रजिस्ट्री सं० डी० एल० (एन) 04/0007/2003—05

REGD. NO. D. L. (N) 04/0007/2003—05

भारत का राजपत्र
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सं. 23] नई दिल्ली, जून 1—जून 7, 2008, शनिवार/ज्येष्ठ 11—ज्येष्ठ 17, 1930

No. 23] NEW DELHI, JUNE 1—JUNE 7, 2008, SATURDAY/JYAISTHA 11—JYAISTHA 17, 1930

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 31 मई, 2008

का.आ. 1232.—केंद्रीय सरकार एतद्द्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उत्तर प्रदेश राज्य सरकार के गृह (पुलिस) धारा 3 आदेश सं. 1937-VI P-3-2008-15(48) पी/2008 दिनांक 29 मई, 2008 द्वारा प्राप्त सहमति से भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 302 के अधीन पुलिस स्टेशन सैक्टर -20, गौतमबुद्ध नगर, उत्तर प्रदेश में दर्ज मामला सं. 695/2008 के अन्वेषण के मामले तथा उपर्युक्त अपराधों से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों और षडयत्रों तथा उसी संव्यवहार के अनुक्रम में अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध अथवा अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण उत्तर प्रदेश राज्य पर करती है ।

[सं. 228/47/2008-एवीडी-II]

चंद्र प्रकाश, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 31st May, 2008

S.O. 1232.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establisment Act,1946(Act No. 25 of 1946), the Central Government with the consent of the State Government of Uttar Pradesh, Home (Police) Section-3 vide Order No. 1937-VI-P-3-2008-15(48) P/2008 dated 29th May, 2008, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Uttar Pradesh for investigation of Case Crime No. 695/08 under Section 302 of the Indian Penal Code, 1860 (Act No. 45 of 1860) registered at Police Station Sector-20, Gautam Budh Nagar (UP) and attempts, abetments and conspiracies in relation to or in connection with the offence mentioned above and any other offence or offences committed in the course of the same transaction or arising out or the same facts.

[No. 228/47/2008-AVD-II]

CHANDRA PRAKASH, Under Secy.

कार्यालय, मुख्य आयकर आयुक्त

जयपुर, 26 मई, 2008

सं. 8/2008-09

का.आ. 1233.—आयकर नियम,1962 के नियम 2 सी के साथ पठनीय आयकर अधिनियम, 1961(1961का 43वां) की धारा 10 के खण्ड (23सी) की उपधारा (iv) & (v) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जयपुर एतद्द्वारा निर्धारण वर्ष 2008-09 एवम आगे के लिए कथित धारा के उद्देश्य से "बेथेनी इन्डियन डवलपमैन्ट सोसायटी, जयपुर" को स्वीकृति देते हैं :

बशर्ते कि समिति आयकर नियम 1962 के नियम 2सी के साथ पठनीय आयकर अधिनियम, 1961 की धारा 10 के उपखण्ड (23सी) की उपधारा (iv) & (v) के प्रावधानों के अनुरूप कार्य करे ।

[क्रमांक मुआआ/अआआ/(समन्वय)जय/10(23सी)(iv) एवं (v)/2008-09]

बी. एस. ढिल्लों, मुख्य आयकर आयुक्त

OFFICE OF THE CHIEF COMMISSIONER OF INCOME-TAX

Jaipur, the 26th May, 2008

No. 8/2008-09

S.O. 1233.—In exercise of the powers conferred by sub-clause (iv) & (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) read with rule 2C of the Income-tax Rules, 1962 the Chief Commissioner of Income-tax, Jaipur hereby approves "Bethany Indian Development Society, Jaipur" for the purpose of said section for the A. Y. 2008-09 & onwards :

Provided that the society conforms to and complies with the provisions of sub-clause (iv) & (v) of clause (23C) of Section 10 of the Income-tax Act, 1961read with rule 2C of the Income-tax Rules, 1962.

[No. CCIT/JPR/Addl.CIT(Coord.)/10(23C) (iv)&(v)/2008-09]

B. S. DHILLON, Chief Commissioner of Income-tax

जयपुर, 28 मई, 2008

सं. 9/2008-09

का.आ. 1234.-आयकर नियम,1962 के नियम 2 सी के साथ पठनीय आयकर अधिनियम, 1961(1961का 43वां) की धारा 10 के खण्ड (23सी) की उपधारा (iv) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जयपुर एतद्द्वारा निर्धारण वर्ष 2007-08 एवम आगे के लिए कथित धारा के उद्देश्य से "डॉ. एम. एन. टन्डन मेमोरियल चैरीटेबल ट्रस्ट, जयपुर" को स्वीकृति देते हैं :

बशर्ते कि समिति आयकर नियम 1962के नियम 2सी के साथ पठनीय आयकर अधिनियम, 1961 की धारा 10 के उपखण्ड (23सी) की उपधारा (iv) के प्रावधानों के अनुरूप कार्य करे ।

[क्रमांक मुआआ/अआआ/(समन्वय)जय/10(23सी)(iv)/2008-09]

बी. एस. ढिल्लों, मुख्य आयकर आयुक्त

Jaipur, the 28th May, 2008

No. 9/2008-09

S.O. 1234.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) read with rule 2C of the Income-tax Rules, 1962 the Chief Commissioner of Income-tax, Jaipur hereby approves "Dr. M. N. Tandon Memorial Charitable Trust, Jaipur" for the purpose of said section for the A. Y. 2007-08 & onwards :

Provided that the society conforms to and complies with the provisions of sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961read with rule 2C of the Income-tax Rules, 1962.

[No. CCIT/JPR/Addl.CIT(Coord.)/10(23C) (iv)/2008-09]

B. S. DHILLON, Chief Commissioner of Income-tax

वित्त मंत्रालय

(राजस्व विभाग)

केन्द्रीय उत्पाद शुल्क आयुक्त, कोलकाता-III आयुक्तालय

कोलकाता, 28 मई, 2008

संख्या 1/2008- सीमाशुल्क (एनटी)

का.आ. 1235.-सीमा शुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 के तहत प्रदत्त शक्तियों का प्रयोग करते हुए जिसे भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली की अधिसूचना संख्या 33/94 सीमा शुल्क (एनटी) दिनांक 01-07-1994 तथा एम. एफ.(डी.आर.) परिपत्र संख्या 31/2003 सीमा शुल्क दिनांक 07-04-2003 के साथ पढ़ा जाए, मैं एतद्द्वारा मेसर्स अनुपम टेकनालाजी प्रा. लि.को पश्चिम बंगाल राज्य (योजना अभिविन्यास निदेशक, साफ्टवेयर टेकनालाजी, कोलकाता द्वारा यथा स्वीकृत) उसके "सीनर्जी" पो. कृष्णपुर, ग्राम-महेशथान, मौजा तकधारी,कोलकाता-700102, जिला- चौबीस परगना (उ) स्थित परिसर के प्रथम एवं द्वितीय तल को सीमा शुल्क अधिनियम, 1962(1962 का 52)के अन्तर्गत निदेशक साफ्टवेयर टेकनालाजी पार्क, कोलकाता, संचार एवं सूचना तकनीकी मंत्रालय, भारत सरकार, एसडीएफ भवन (चौथा तल) साल्ट लेक, ब्लाक- जीपी, सेक्टर- V, विधाननगर कोलकता-700091 के पत्र

संख्या एसटीपीके: डीआईआर : 518: 2007-08-1580, दिनांक 22-2-2008 के द्वारा यथा अनुमोदित सीमित प्रयोजन हेतु 100% निर्यातोन्मुखी उपक्रम के रूप में भंडारण केन्द्र घोषित करती हूं ।

[सी.सं.V(19) 20/के.उ.शु./तक/कोल-III/100%ईओयू/2008]

डी. बी. दासगुप्ता, आयुक्त

MINISTRY OF FINANCE
(Department of Revenue)

THE COMMISSIONER OF CENTRAL EXCISE, KOL-III COMMISSIONERATE

Kolkata, the 28th May, 2008

No. 01/2008- Customs (NT)

S.O. 1235.—In exercise of the powers under Section 9 of the Customs Act, 1962(52 of 1962) read with Notification No. 33/94-Cus(NT) dtd. 1-7-1994 of the Government of India , Ministry of Finance, Department of Revenue, New Delhi, and M.F. (D.R.) Circular No. 31/2003-Customs, dtd. 7-4-2003, I hereby declare the 1st and 2nd floor premises of M/s. Anupam Technologies Pvt. Ltd. at "SYNERGY", P.O. Krishnapur, Vill: Mahisbatan, Mouza:Thakdhari, Kolkata-700102, Dist. :24 Parganas (N) in the State of West Bengal (the layout plan duly endorsed by the Director, Software Technology Park, Kolkata) to be a warehousing station under the Customs Act, 1962 (52 of 1962) for the limited purpose of setting up of 100% Export oriented undertaking as approved by the Director, Software Technology Park, Kolkata, Ministry of Communication & Information Technology, Government of India, SDF Building (4th Floor), Salt Lake, Block -GP, Sector-V. Bidhannagar, Kolkata-700091 vide letter No. STPK:DIR:518:2007-08:1580 dtd. 22-02-2008.

[C. No. V(19)20/CE/Tech/Kol-III/100%EOU/2008]

D. B. DASGUPTA, Commissioner

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 2 जून, 2008

का.आ. 1236.-सर्वसाधारण की जानकारी के लिए एतद्द्वारा यह अधिसूचित किया जाता है कि केंद्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ङ के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के खंड (ii)के प्रयोजनार्थ दिनांक 1-4-2007 से संगठन हैदराबाद आई रिसर्च फाउंडेशन, हैदराबाद को निम्नलिखित शर्तों के अधीन आंशिक रूप से अनुसंधान कार्यकलापों में लगी 'अन्य संस्था' की श्रेणी में अनुमोदित किया गया है, नामत: :—

(i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा;

(ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा इसके नामांकित छात्रों के माध्यम से वैज्ञानिक अनुसंधान को जारी रखेगा;

(iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग खाता बही रखेगा जिसमें अनुसंधान करने के लिए प्रयुक्त राशि दर्शाई गई हो, उक्त अधिनियम की धारा 288 की उप धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से ऐसी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप धारा (1)के अंतर्गत आय की विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा ।

(iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित विवरण की प्रति प्रस्तुत करेगा ।

2. केंद्र सरकार यह अनुमोदन वापिस ले लेगी यदि अनुमोदित संगठन :-

(क) पैराग्राफ 1के उप-पैराग्राफ (iii) में उल्लिखित अलग लेखा बही नहीं रखेगा; अथवा

(ख) पैराग्राफ 1के उप-पैराग्राफ (iii) में उल्लिखित अलग लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा

(ग) पैराग्राफ 1के उप-पैराग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त दान एवं प्रयुक्त राशि का अपना विवरण प्रस्तुत नहीं करेगा; अथवा

(घ) अपना अनुसंधान कार्यकलाप करना बंद कर देगा अथवा इसके अनुसंधान कार्यकलाप को जायज नहीं पाया जाएगा; अथवा

(ङ) उक्त नियमावली के नियम 5 ग और 5ङ के साथ पठित उक्त अधिनियम की धारा 35 की उपधारा (1) के खंड (ii) के उपबंधों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा ।

[अधिसूचना सं. 67/2008/फा. सं. 203/99/2007-आ क.नि. II]

रेनू जौहरी, निदेशक, आ.क.नि.-II

(Central Board of Direct Taxes)

New Delhi, the 2nd June, 2008

S.O. 1236.—It is hereby notified for general information that the organization Hyderabad Eye Research Foundation, Hyderabad has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962

(said Rules), with effect from 1-4-2007 in the category of 'Other Institution', partly engaged in research activities, subject to the following conditions, namely:—

(i) The sums paid to the aproved organization shall be utilized for scientific research;

(ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;

(iii) The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;

(iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization :—

(a) fails to maintain separate books of accounts referred to in sub-paragraph (iii) of paragraph 1; or

(b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or

(c) fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1;or

(d) ceases to carry on its research activities or its research activities are not found to be genuine;or

(e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of Section 35 of the said Act read with Rules 5C and 5E of the said Rules.

[Notification No. 67/2008/F.No.203/99/2007/ITA-II]

RENU JAUHARI, Director (ITA-II)

केंद्रीय आर्थिक आसूचना ब्यूरो

(कोफेपोसा एकक)

आदेश

नई दिल्ली, 3 जून, 2008

का.आ. 1237.-अतः, संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उपधारा के अधीन आदेश फाइल सं. 673/03/2008 सी.शु. VIII दिनांक 07-04-2008 को जारी किया और यह निर्देश दिया कि श्री दीपक जैन, पुत्र श्रीप्रदुमन जैन, निवासी 71/4, निकट जैन धर्मशाला, पानीपत, हरियाणा को निरूद्ध कर लिया जाए और केंद्रीय कारागार, अम्बाला, हरियाणा में अभिरक्षा में रखा जाए ताकि उन्हें भविष्य में चीजों की तस्करी करने से रोका जा सके ।

2. अतः केंद्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता ।

3. अतः अब उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केंद्रीय सरकार एतद्द्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर वरिष्ठ पुलिस अधीक्षक, पानीपत, हरियाणा के सम्मुख उपस्थित हो ।

[फा. सं. 673/03/2008-सी.शु. VIII]

वी. के. खन्ना, उप सचिव

Central Economic Intelligence Bureau

(COFEPOSA Unit)

ORDER

New Delhi, the 3rd June, 2008

S. O. 1237.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F.No. 673/03/2008-Cus. VIII dated 07-04-2008 under the said sub-section directing that Shri Deepak Jain, S/o Shri Praduman Jain, R/o 71/4, Near Jain Dharmshala,Panipat, Haryana be detained and kept in custody in Central Jail, Ambala, Haryana with a view to preventing him from smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or has been concealing himself so that the order cannot be executed.

3. Now, therefore,in exercise of the powers conferred by Clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Senior Superintendent of Police, Panipat, Haryana within 7days of the publication of this order in the Official Gazette.

[F. No. 673/03/2008-Cus., VIII]

V. K. KHANNA, Dy. Secy.

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 30 मई, 2008

का. आ. 1238.-भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 21क के साथ पठित, धारा 21 की उपधारा (1) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, भारतीय रिजर्व बैंक के परामर्श से, एतद्द्वारा, निम्नलिखित दो व्यक्तियों को, अधिसूचना की तारीख से तीन वर्षों की अवधि के लिए अथवा अगले आदेश होने तक,जो भी पहले हो, भारतीय स्टेट बैंक के चैन्नई स्थानीय बोर्ड के सदस्य के रूप में नामित करती है :-

क्रम सं.	नाम	पता
1.	श्री एस.वनमामलाई	राज भवन, एम-74, टी.एन.एच.बी.कालोनी,फेज-II,अन्बुनगर तिरूनेलवेली, तमिलनाडु-617007
2.	श्री पी. विश्वनाथन	एफ-9, वर्षा ब्लॉक, वसुंधरा रेजिडेंशियल एंक्लेव 78, टीपीके रोड,मदुरै-625003

[फा. सं. 8/6/2006-बीओ-I]
जी. बी. सिंह, उप सचिव

(Department of Financial Services)

New Delhi, the 30th May, 2008

S.O. 1238.—In exercise of the powers conferred by clause (c) of sub-section (1) of Section 21, read with section 21A of the State Bank of India Act, 1955 (23 of 1955) the Central Government, in consultation with Reserve Bank of India, hereby nominates the following two persons, to be a member of the Chennai Local Board of the State Bank of India for a period of three years, from the date of notification or until further orders, whichever is earlier :—

S.No.	Name	Address
1.	Shri S. Vanamamalai	Raj Bhawan, M-74 T.N.H.B, Colony, Phase-II, Anbunagar Tirunelveli, Tamil Nadu-617007.
2.	Shri P. Viswanathan	F-9, Varsha Block, Vasundhara Residential Enclave, 78, TPK Road, Madurai-625003.

[F. No. 8/6/2006-BO.-I]
G. B. SINGH, Dy. Secy.

नई दिल्ली, 4 जून, 2008

का.आ. 1239.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 3 के उप खण्ड (1), खण्ड 5, खण्ड 6, खण्ड 7 और खण्ड 8 के उप खण्ड (1)के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा 3 के खण्ड(क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा, भारतीय रिजर्व बैंक के परामर्श से, श्री ऐलेन सी.ए.परेरा (जन्म तिथि- 16-09-1950), कार्यकारी निदेशक, ओरियंटल बैंक आफ कामर्स को पदभार ग्रहण करने की तारीख से और 30-09-2010 तक, अर्थात उनकी अधिवर्षिता की तारीख तक अथवा अगला आदेश होने तक, जो भी पहले हो, बैंक ऑफ महाराष्ट्र के अध्यक्ष एवं प्रबंध निदेशक के रूप में नियुक्त करती है ।

[फा. सं. 9/18/2007-बीओ-I]

जी. बी. सिंह, उप सचिव

New Delhi, the 4th June, 2008

S.O. 1239.—In exercise of the powers conferred by clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980), read with sub-clause (1) of clause 3, clause 5, clause 6, clause 7 and sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri Allen C.A. Pereira (DoB : 16-09-1950), Executive Director, Oriental Bank of Commerce as Chairman and Managing Director, Bank of Maharashtra from the date of taking charge of the post and till 30-09-2010, i.e. the date of his superannuation or until further orders, whichever is earlier.

[F. No. 9/18/2007-BO-I]

G. B. SINGH, Dy. Secy.

प्रवासी भारतीय कार्य मंत्रालय

नई दिल्ली, 27 मई, 2008

का.आ. 1240.—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार, एतद्द्वारा श्री के.सी. बढोक, आईआरएस (आईटी: 94) को प्रवासी भारतीय कार्य मंत्रालय में कार्यग्रहण करने की तारीख से 4 वर्ष के लिए अथवा आगामी आदेशों तक, जो भी पहले हो उत्प्रवास संरक्षी (उप सचिव) के रूप में नियुक्त करती है ।

2. श्री के.सी. बढोक ने 19-05-2008 के पूर्वाह्न से प्रवासी भारतीय कार्य मंत्रालय के अधीन उत्प्रवास संरक्षी, दिल्ली के कार्यालय में उत्प्रवास संरक्षी (उप सचिव) का पदभार सम्भाल लिया है ।

[सं. 2/2008/फा.सं. ए-12023/5/2005-पीए]

जी. सी. राऊत, अवर सचिव

MINISTRY OF OVERSEAS INDIAN AFFAIRS

New Delhi, the 27th May, 2008

S.O. 1240.—In exercise of the powers conferred under section 3, Sub- section (1) of the Emigration Act, 1983, (31of 1983) the Central Government appoints Shri K.C. Badhok, IRS (IT : 94), as Protector of Emigrants (Deputy Secretary) in the Ministry of Overseas Indian Affairs. The appointment of Shri K.C. Badhok will be at the level of Deputy Secretary for a period of four years from the date of taking over the charge of the post or until further orders, whichever event takes place earlier.

2. Shri K.C. Badhok assumed charge of the post of Protector of Emigrants (DS Level) in the office of Protector of Emigrants, Delhi under the Ministry of Overseas Indian Affairs in the forenoon of 19-05-2008.

[No. 2/2008/F.No. A.12023/5/05-PA]

G. C. ROUT, Under Secy.

संचार और सूचना प्रौद्योगिकी मंत्रालय

(दूरसंचार विभाग)

(राजभाषा अनुभाग)

नई दिल्ली, 26 मई, 2008

का.आ. 1241.-केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976(यथा संशोधित 1987) के नियम 10(4) के अनुसरण में संचार और सूचना प्रौद्योगिकी मंत्रालय, दूरसंचार विभाग के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालय को, जिसमें 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्द्वारा अधिसूचित करती है ।

महाप्रबंधक (उत्तर) महानगर टेलीफोन निगम लिमिटेड, मुम्बई-400014

[सं. ई.11016/1/2007-रा.भा.(पार्ट-I)]

सुधा श्रोत्रिय, संयुक्त सचिव (प्रशासन)

MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY

(Department of Telecommunications)

(O. L. Section)

New Delhi, the 26th May, 2008

S.O. 1241.—In pursuance of rule 10(4) of the Official Language (Use for Official Purposes of the Union) Rules, 1976 (as amended- 1987), the Central Government hereby notifies the following Office under the administrative control of the Ministry of Communications and Information Technology, Department of Telecommunications where more than 80% of staff have acquired working knowledge of Hindi.

General Manager (North), Mahanagar Telephone Nigam Limited, Mumbai-400014

[No. E-11016/1/2007-O.L.(Part-I)]

SUDHA SHROTRIA, Jt. Secy. (Administration)

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य और परिवार कल्याण विभाग)

(दंत शिक्षा अनुभाग)

नई दिल्ली, 19 मई, 2008

का.आ. 1242.-केन्द्रीय सरकार दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय दन्त चिकित्सा परिषद् से परामर्श करने के बाद एतद्द्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित और संशोधन करती है; अर्थात्:—

2. दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में डा. राम मनोहर लोहिया अवध विश्वविद्यालय, फैजाबाद, उत्तर प्रदेश के संबंध में क्रम संख्या 55 के सामने स्तम्भ 2 और 3 की मौजूदा प्रविष्टियों के अंतर्गत निम्नलिखित प्रविष्टियां रखी जाएंगी, अर्थात्:-

1. सरदार पटेल इंस्टीटयूट आफ डेंटल एंड मेडिकल सांइसेज, लखनऊ	
"मास्टर आफ डेंटल सर्जरी	एम डी एस (प्रोस्थो.)
(i) प्रोस्थोडोंटिक्स (यदि यह 26-6-2007 को अथवा उसके उपरान्त प्रदान की गई हो)	डा. राम मनोहर लोहिया, अवध विश्वविद्यालय, फैजाबाद, उत्तर प्रदेश
(ii) कंजर्वेटिव डेंटिस्ट्री (यदि यह 26-6-2007 को अथवा उसके उपरान्त प्रदान की गई हो)	एम डी एस (कंजर्वेटिव डेंटि.ी) डा. राम मनोहर लोहिया, अवध विश्वविद्यालय, फैजाबाद, उत्तर प्रदेश

[सं. वी. 12017/20/2003-डी ई]

राज सिंह, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health & Family Welfare)

(Dental Education Section)

New Delhi, the 19th May, 2008

S.O. 1242.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India, hereby makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. Under the existing entries of column 2 & 3 against Serial No. 55, in part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to Dr. Ram Mahohar Lohia Avadh University, Faizabad, Uttar Pradesh the following entries shall be inserted thereunder:—

1. Sardar Patel Institute of Dental & Medical Sciences, Lucknow	
"Master of Dental Surgery	
(i) Prosthodontics (when granted on or after 26-6-2007)	MDS (Prostho.) Dr. Ram Manohar Lohia Avadh University, Faizabad, Uttar Pradesh
(ii) Conservative Dentistry (when granted on or after 26-6-2007)	MDS (Cons. Dent.) Dr. Ram Manohar Lohia Avadh University, Faizabad, Uttar Pradesh

[No. V-12017/20/2003-DE]
RAJ SINGH, Under Secy.

नई दिल्ली, 30 मई, 2008

का.आ. 1243.—केन्द्रीय सरकार दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय दन्त चिकित्सा परिषद् से परामर्श करने के बाद एतद्द्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित और संशोधन करती है; अर्थात्:—

2. दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में अलअमीन डेंटल कालेज, बीजापुर के बारे में राजीव गांधी यूनिवर्सिटी आफ हैल्थ साइंसेज, बेंगलूर के संबंध में क्रम संख्या 49 के XXVIII के सामने स्तम्भ 2 और 3 की वर्तमान प्रविष्टियों के अंतर्गत निम्नलिखित प्रविष्टियां रखी जाएंगी, अर्थात्:-

"(ii) मास्टर आफ डेंटल सर्जरी	
आर्थोडोंटिक्स (यदि यह 29-9-2007 को अथवा उसके उपरान्त प्रदान की गई हो)	एम डी एस (आर्थो.) राजीव गांधी यूनिवर्सिटी आफ हेल्थ साइंसेज, बेंगलूर, (आर जी यू ओ एच एस)"

[सं. वी. 12017/41/2000-डी ई]
राज सिंह, अवर सचिव

New Delhi, the 30th May, 2008

S.O. 1243.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India, hereby makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. Under the existing entries of column 2 & 3 against XXVIII of Serial No. 49, in respect of Al-Ameen Dental College, Bijapur in part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to Rajiv Gandhi University of Health Sciences, Bangalore, the following entries shall be inserted thereunder :—

" (ii) Master of Dental Surgery	
Orthodontics (if granted on or after 29-9-2007)	MDS (Ortho.) Rajiv Gandhi University of Health Sciences, Banglore, (RGUOHS)"

[No. V-12017/41/2000-DE]
RAJ SINGH, Under Secy.

नई दिल्ली, 30 मई, 2008

का.आ. 1244.—दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार भारतीय दंत चिकित्सा परिषद् से परामर्श करने के बाद एतद् द्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित और संशोधन करती है; अर्थात् :—

2. डॉ. बी. आर. अम्बेडकर विश्वविद्यालय, आगरा के संबंध में दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 58 के सामने स्तम्भ 2 और 3 की मौजूदा प्रविष्टियों के अंतर्गत निम्नलिखित प्रविष्टियां रखी जाएंगी:—

1. सुभारती डेंटल कॉलेज एंड हॉस्पिटल, मेरठ	
"मास्टर आफ डेंटल सर्जरी	
(i) प्रोस्थोडोंटिक्स (यदि यह 18-12-2007 को अथवा उसके उपरान्त प्रदान की गई हो)	एम डी एस (प्रोस्थो.), डॉ. बी. आर. अम्बेडकर विश्वविद्यालय, आगरा
(ii) आर्थोडान्टिक्स (यदि यह 22-12-2007 को अथवा उसके उपरान्त प्रदान की गई हो)	एम डी एस (आर्थो.), डॉ. बी. आर. अम्बेडकर विश्वविद्यालय, आगरा
(iii) कंजर्वेटिव डेंटिस्ट्री (यदि यह 22-12-2007 को अथवा उसके उपरान्त प्रदान की गई हो)	एम डी एस (कंज. डेंटिस्ट्री), डॉ. बी. आर. अम्बेडकर विश्वविद्यालय, आगरा
(iv) ओरल पेथोलाजी (यदि यह 22-12-2007 को अथवा उसके उपरान्त प्रदान की गई हो)	एम डी एस (ओरल पेथोलोजी), डॉ. बी. आर. अम्बेडकर विश्वविद्यालय, आगरा
(v) पेडोडोंटिक्स (यदि यह 18-12-2007 को अथवा उसके उपरान्त प्रदान की गई हो)	एम डी एस (पेडोडोंटिक्स), डॉ. बी. आर. अम्बेडकर विश्वविद्यालय, आगरा

(vi) ओरल एंड मेक्सिलोफेशियल सर्जरी (यदि यह 18-12-2007 को अथवा उसके उपरान्त प्रदान की गई हो)	एम डी एस (ओरल सर्जरी), डॉ. बी. आर. अम्बेडकर विश्वविद्यालय, आगरा
(vii) पेरियोडोंटिक्स (यदि यह 20-12-2007 को अथवा उसके उपरान्त प्रदान की गई हो)	एम डी एस (पेरियोडोंटिक्स), डॉ. बी. आर. अम्बेडकर विश्वविद्यालय, आगरा''

[सं. वी. 12017/05/2004-डी ई]
राज सिंह, अवर सचिव

New Delhi, the 30th May, 2008

S.O. 1244.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India, hereby makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. Under the existing entries of column 2 & 3 against Serial No. 58, in part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to Dr. B. R. Ambedkar University, Agra, the following entries shall be inserted thereunder :—

1. Subharati Dental College & Hospital, Meerut

"Master of Dental Surgery-

(i) Prosthodontics (when granted on or after 18-12-2007)	MDS (Prostho.), Dr. B. R. Ambedkar University, Agra
(ii) Orthodontics (when granted on or after 22-12-2007)	MDS (Ortho.), Dr. B. R. Ambedkar University, Agra
(iii) Conservative Dentistry (when granted on or after 22-12-2007)	MDS (Con. Dentistry), Dr. B. R. Ambedkar University, Agra
(iv) Oral Pathology (when granted on or after 22-12-2007)	MDS (Oral Pathology Dr. B. R. Ambedkar University, Agra
(v) Pedodontics (when granted on or after 18-12-2007)	MDS (Pedodontics), Dr. B. R. Ambedkar University, Agra
(vi) Oral & Maxillofacial Surgery (when granted on or after 18-12-2007)	MDS (Oral Surgery), Dr. B. R. Ambedkar University, Agra
(vii) Periodontics (when granted on or after 20-12-2007)	MDS (Periodontics), Dr. B. R. Ambedkar University, Agra"

[No. V-12017/05/2004-DE]
RAJ SINGH, Under Secy.

इस्पात मंत्रालय

नई दिल्ली, 23 मई, 2008

का.आ. 1245.-राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित, 1987) के नियम-10 के उप नियम (4) के अनुसरण में केन्द्रीय सरकार एतदद्वारा इस्पात मंत्रालय के प्रशासनिक नियंत्रणाधीन राष्ट्रीय इस्पात निगम लि. के फरीदाबाद स्थित शाखा कार्यालय, जिनके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है ।

[सं. ई. 11011/9/2006-हिंदी (कार्यान्वयन)]
संजय मंगल, निदेशक

MINISTRY OF STEEL

New Delhi, the 23rd May, 2008

S.O. 1245.—In pusuance of sub-rule (4) of Rule 10 of the Official Language (Use for Official Purpose of the Union) Rules, 1976 (as amended, 1987) the Central Governmnt hereby notifies the Office of Rashtriya Ispat Nigam Limited, Branch Office, Faridabad, under the administrative control of Ministry of Steel, where more than 80% staff have acquired working knowledge of Hindi.

[No. E.11011/9/2006-Hindi (Implementation)]
SANJAY MANGAL, Director

युवा कार्यक्रम और खेल मंत्रालय

नई दिल्ली, 5 मई, 2008

का.आ. 1246.—इस मंत्रालय की समसंख्यक अधिसूचना दिनांक 12-02-2008 में आंशिक संशोधन करते हुए श्री डी.पी. भारद्वाज, उप सचिव, युवा कार्यक्रम और खेल मंत्रालय को डा. तरसेम चंद, उप सचिव जो इस मंत्रालय से स्थानान्तरित हो चुके हैं, के स्थान पर सीपीआईओ के पद पर नियुक्त किया जाता है ।

इसे सक्षम प्राधिकारी के अनुमोदन से जारी किया जाता है ।

[सं. एफ. 1-6/2007-पीजी/आईएफसी]

बी. बी. मुखर्जी, अवर सचिव

MINISTRY OF YOUTH AFFAIRS AND SPORTS

New Delhi, the 5th May, 2008

S.O. 1246.—In partial modification of this Ministry's Notification of even number dated 12-02-2008, Sh. D.P. Bhardwaj, Deputy Secretary, Ministry of Youth Affairs and Sports is appointed as CPIO in place of Dr. Tarsem Chand, Deputy Secretary who has been transferred from this Ministry.

This issues with Approval of the competent authority.

[No. F. 1-6/2007-PG/IFC]

B. B. MUKHERJEE, Under Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

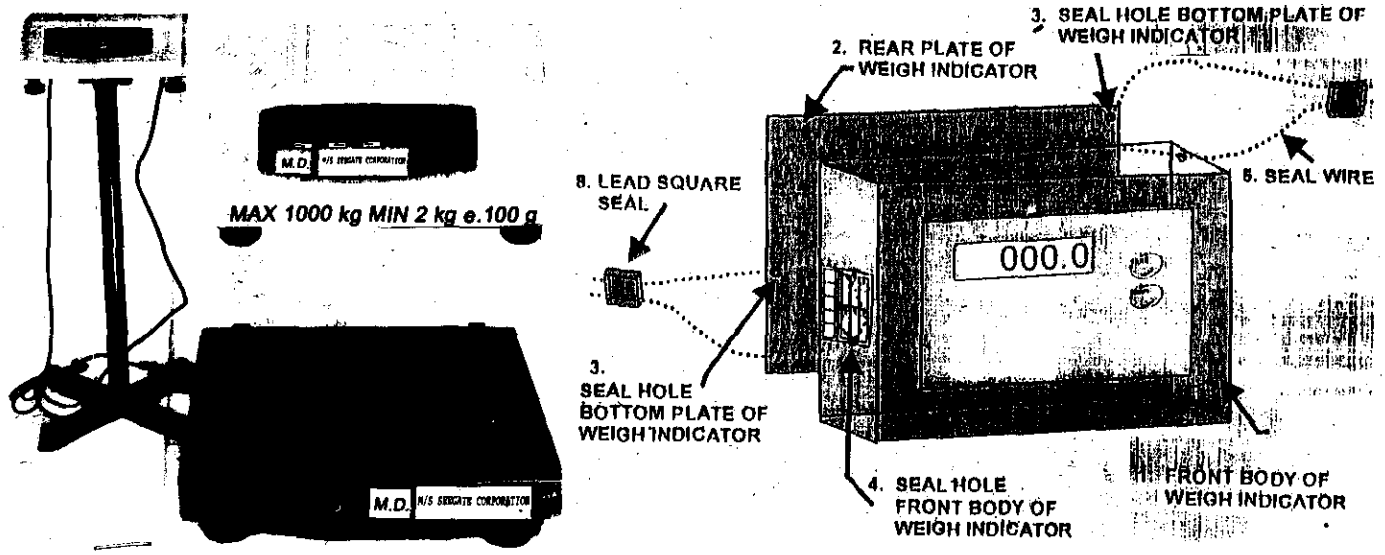
(उपभोक्ता मामले विभाग)

नई दिल्ली, 8 फरवरी, 2008

का.आ. 1247.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स सिगेट कोरपोरेशन, 207, गाँधी भुवन, चुनम लेन, लेमिंगटन रोड़, मुंबई-400 007, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "केओ 11-यू" शृंखला अंकक सूचन सहित स्वत: सूचक, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एम.डी." है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/07/544 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ;

उक्त माडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है । इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 2 कि.ग्रा. है । सत्यापन मापमान अंतराल (ई) 100 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



डबल सीलिंग प्रणाली द्वारा सीलिंग की जाती है । एक सील स्टाम्पिंग प्लेट के साथ एक साइड में लगाई जाती है । दूसरी सील तुला की दूसरी साइड में बाटम प्लेट तथा साइड प्लेट में छिद्र करके की जाती है और तुला की साइड में इन छिद्रों के माध्यम से ट्विस्टिड सीलिंग तार पास किया जाता है तथा लीड सील तार पर लगाई जाती है । मॉडल के सीलिंग प्रावधान के टाइपिकल सिमेटिक डायग्राम ऊपर दिया गया है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित माडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं । और "ई" मान 1×10^{k}, 2×10^{k}, 5×10^{k}, के हैं, जहाँ पर 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(287)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

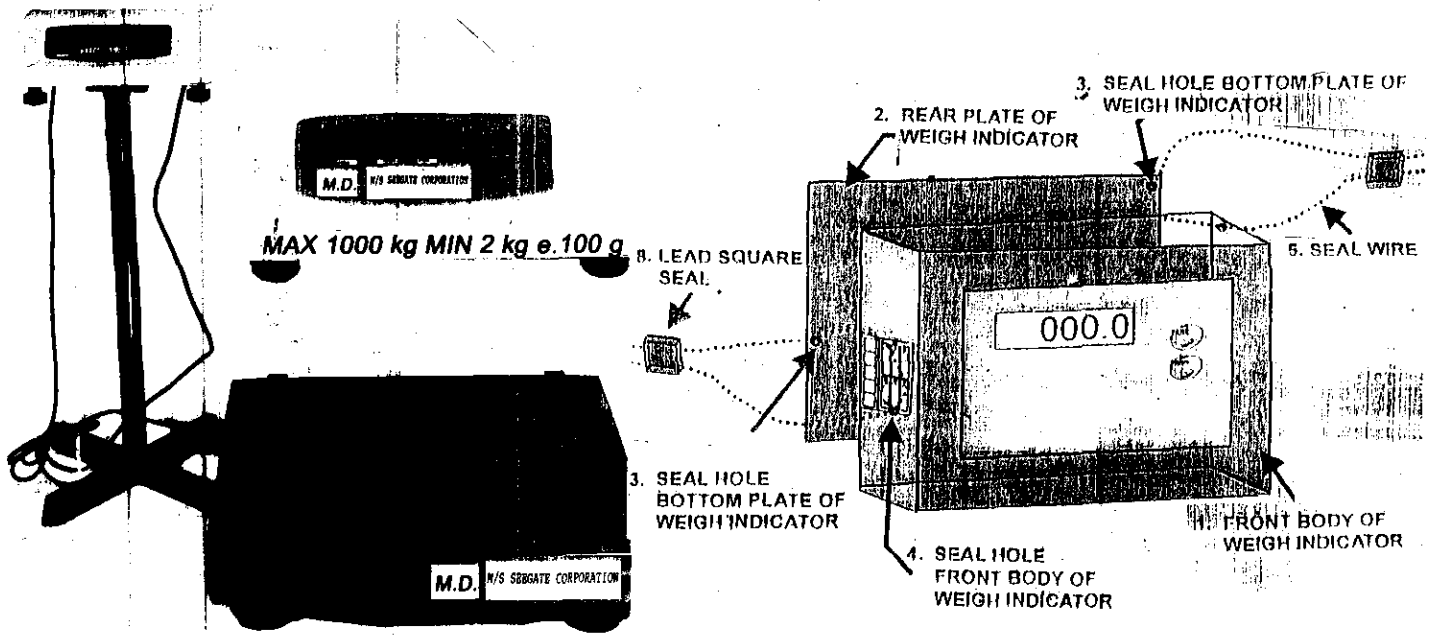
(Department of Consumer Affairs)

New Delhi, the 8th February, 2008

S.O. 1247.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self-indicating, non-automatic, (Platform type) weighing instrument with digital indication of "KO 11-U" series of medium accuracy (accuracy class-III) and with brand name "M.D." (herein referred to as the said model), manufactured by M/s. Seegate Corporation, 207, Gandhi Bhuvan, Chunam Lane, Lemington Road, Mumbai-400 007, Maharashtra and which is assigned the approval mark IND/09/07/544 ;

The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 1000kg and minimum capacity of 2kg. The verification scale interval (e) is 100kg. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



The sealing is done through the hole made in the rear plate and front of the indicator at the both sides of the indicator and sealing wire is passed through these holes and the lead seal is applied on the wire. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50 Kg. and up to 5000 kg. and with number of verification scale interval(n) in range of 500 kg. to 10,000 for 'e' value of 5 g. or more and with 'e' value of $1x10^k$, $2x10^k$ or $5x10^k$, k being a positive or nagative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (287)/2007]

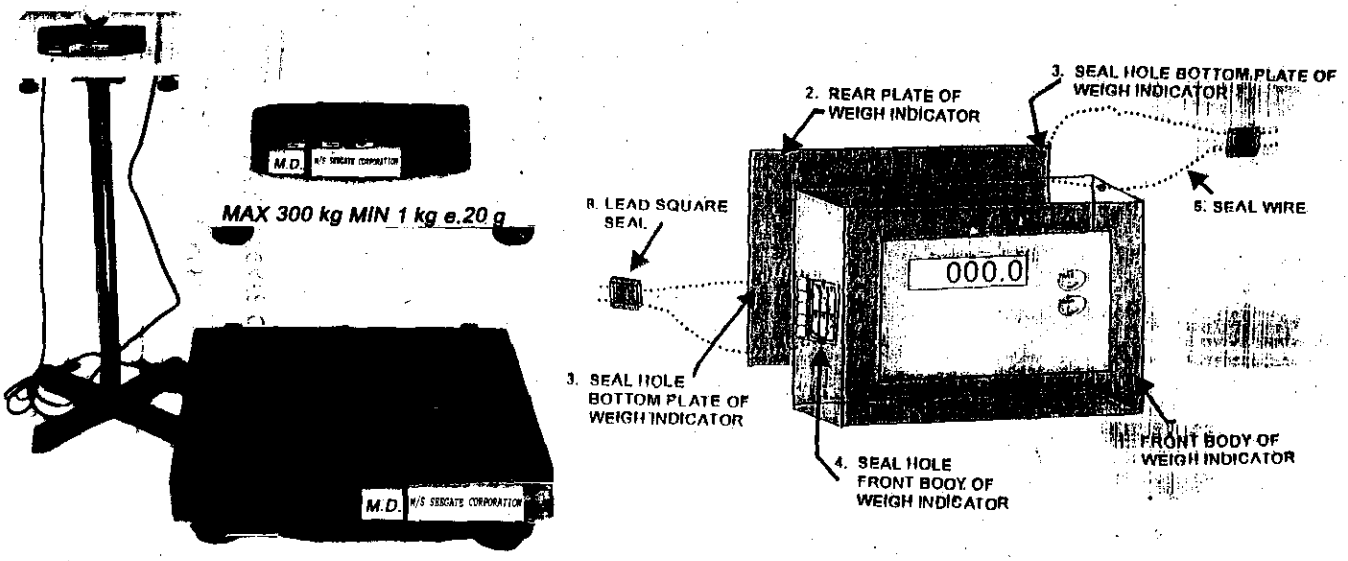
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 8 फरवरी, 2008

का.आ. 1248.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की-संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स सिगेट कारपोरेशन, 207, गाँधी भुवन, चुनम लेन, लेमिंगटन रोड, मुंबई-400 007, महाराष्ट्र द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "एसटी-13" शृंखला अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एम.डी." है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/07/543 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है । इसकी अधिकतम क्षमता 300 कि.ग्रा. है और न्यूनतम क्षमता 400 ग्रा. है । सत्यापन मापमान अंतराल (ई) 20 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



डबल सीलिंग प्रणाली द्वारा सीलिंग की जाती है । एक सील स्टाम्पिंग प्लेट के साथ एक साइड में लगाई जाती है । दूसरी सील तुला की दूसरी साइड में बाटम प्लेट तथा साइड प्लेट में छिद्र करके की जाती है और तुला की साइड में इन छिद्रों के माध्यम से ट्विस्टिड सीलिंग तार पास किया जाता है तथा लीड सील तार पर लगाई जाती है । मॉडल के सीलिंग प्रावधान के टाइपिकल सिमेटिक डायग्राम ऊपर दिया गया है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. अथवा उससे अधिक के "ई" मान के लिए 5000 से 50,000 की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{क}, 2×10^{क}, अथवा 5×10^{क}, के हैं, जहाँ पर 'क' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(287)/2007]

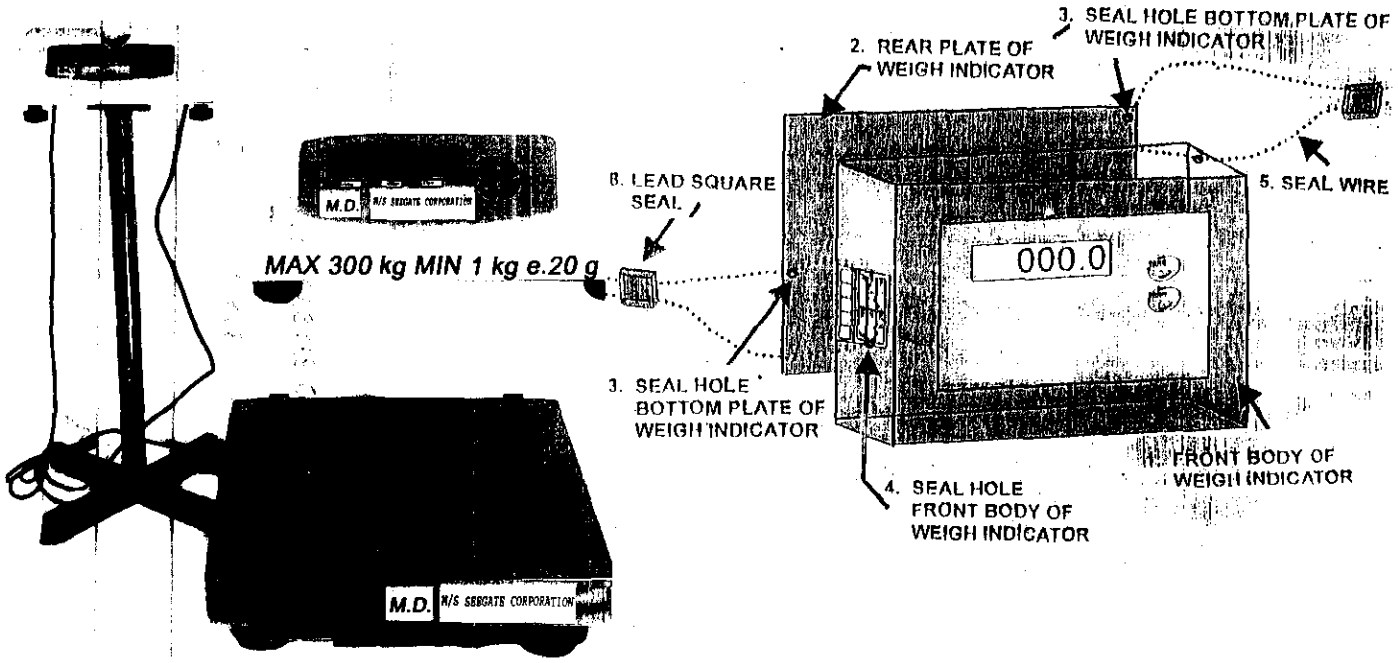
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th February, 2008

S.O. 1248.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the non-automatic, weighing instrument (Platform type) with digital indication of "ST-13" series of accuracy (Accuracy class-II) and with brand name "M.D." (herein referred to as the said model), manufactured by M/s. Seegate Corporation, 207, Gandhi Bhuvan, Chunam Lane, Lemington Road, Mumbai-400 007, Maharashtra and which is assigned the approval mark IND/09/07/543 ;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 300 kg. and minimum capacity of 400 g. The verification scale interval (e) is 20 g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



In sealing is done through the hole made in the rear plate and front of the indicator at the both sides of the indicator and sealing wire is passed through these holes and the lead seal is applied on the wire. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instument of same series with maximum capacity above 50 kg. and up to 5000 kg. and with number of verification scale interval(n) in range of 5000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of $1x10^k$, $2x10^k$ or $5x10^k$, k being a positive or nagative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(287)/2007]

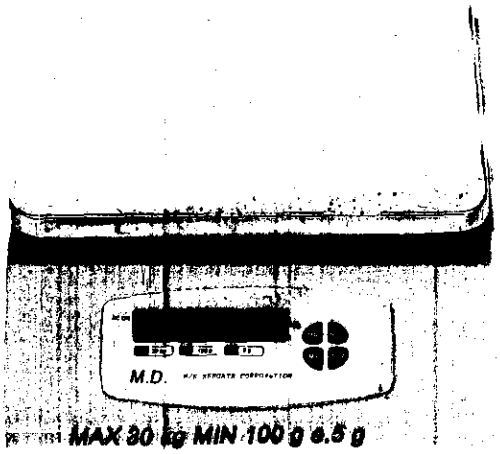
R. MATHURBOOTHAM, Director, Legal Metrology

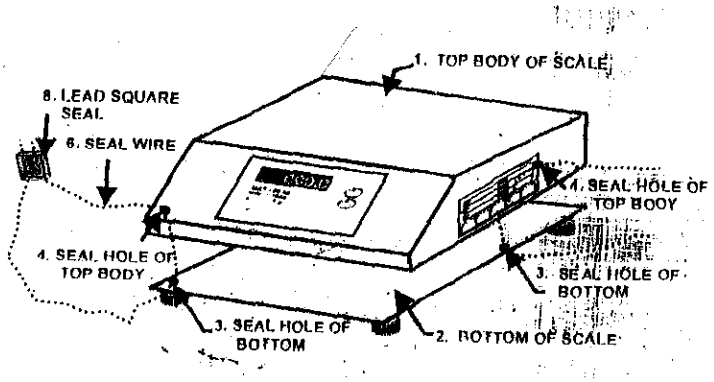
नई दिल्ली, 8 फरवरी, 2008

का.आ. 1249.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स सिगेट कोरपोरेशन, 207, गाँधी भुवन, चुनम लेन, लेमिंगटन रोड, मुंबई-400 007, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एसटी-11" शृंखला अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एम. डी." है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/07/541 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है । इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है । सत्यापन मापमान अंतराल (ई) 5 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।





डबल सीलिंग प्रणाली द्वारा सीलिंग की जाती है । एक सील स्टाम्पिंग प्लेट के साथ एक साइड में लगाई जाती है । दूसरी सील तुला की दूसरी साइड में बाटम प्लेट तथा साइड प्लेट में छिद्र करके की जाती है और तुला की साइड में इन छिद्रों के माध्यम से ट्विस्टिड सीलिंग तार पास किया जाता है । स्कवेयर लीड सील उपकरण की दोनों साइडों पर सिलिंग तार पर लगाई जाती है । मॉडल के सीलिंग प्रावधान के टाइपिकल सिमेटिक डायग्राम ऊपर दिया गया है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के 'ई' मान के लिए 100 से 10,000 की रेंज में अथवा 5 ग्रा. अथवा उससे अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k}, 5×10^{k}, के हैं, जहाँ पर 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(287)/2007]

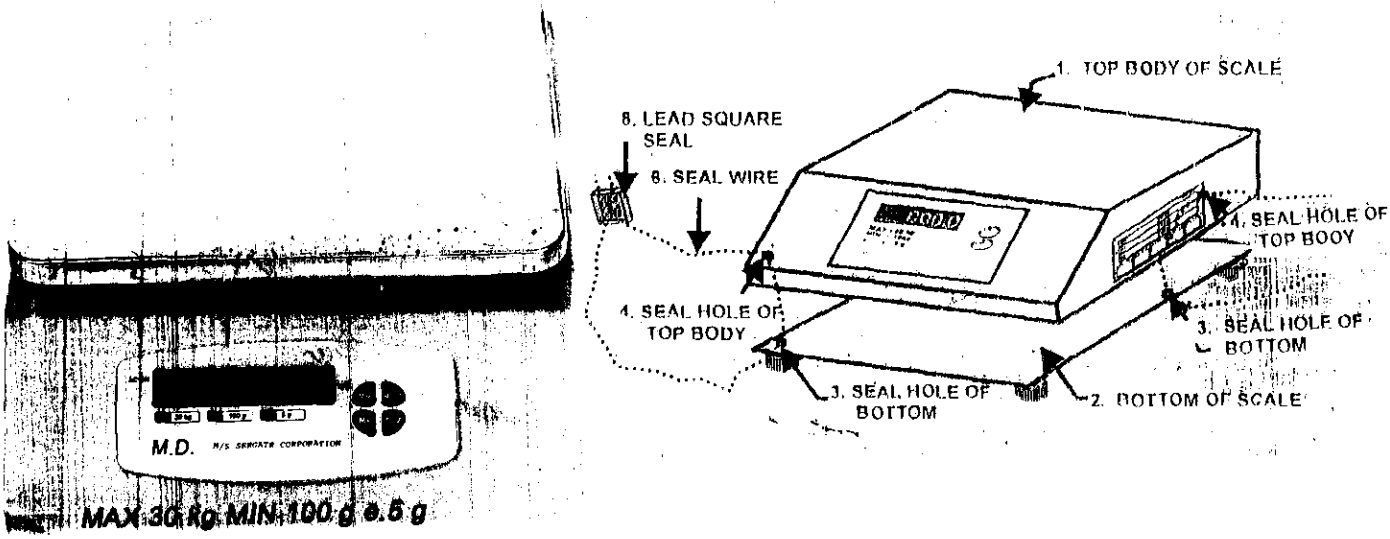
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th February, 2008

S.O. 1249.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the non-automatic, (Table top type) weighing instrument with digital indication of "ST-11" series of medium accuracy (Accuracy class-III) and with brand name "M.D." (herein referred to as the said model), manufactured by M/s. Seegate Corporation, 207, Gandhi Bhauvan, Chunam Lane, Lemington Road, Mumbai-400 007, Maharashtra and which is assigned the approval mark IND/09/07/541;

The said model is a strain gauge type load cell based non-automatic weighing instrument (table top type) with a maximum capacity of 30 kg and minimum capacity of 100 g. The verification scale interval (e) is 5 g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



The sealing is done through the hole made in the bottom and top cover of the instrument at the both sides of the model and a seal wire is passed through these holes on both sides. A square lead seal is applied to the sealing wire on both sides of the instrument. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in range of 100 to 10,000 for 'e' value of 100mg. to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of $1x10^k$, $2x10^k$ or $5x10^k$, k being a positive or nagative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (287)/2007]

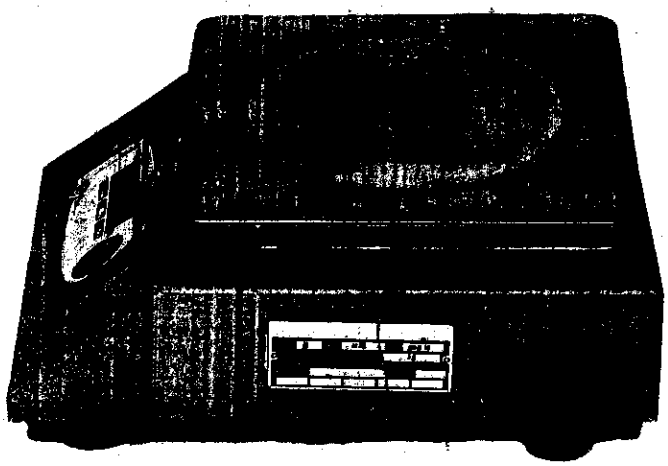
R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 8 फरवरी, 2008

का.आ. 1250.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सिगेट कारपोरेशन, 207, गाँधी भुवन, चुनम लेन, लेमिंगटन रोड, मुंबई-400 007, महाराष्ट्र द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "एसटी-11" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एम.डी." है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/07/542 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है । इसकी अधिकतम क्षमता 11 कि.ग्रा. है और न्यूनतम क्षमता 50 ग्रा. है । सत्यापन मापमान अंतराल (ई) 1 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



डबल सीलिंग प्रणाली द्वारा सीलिंग की जाती है । एक सील स्टाम्पिंग प्लेट के साथ एक साइड में लगाई जाती है । दूसरी सील तुला की दूसरी साइड में बाटम प्लेट तथा साइड प्लेट में छिद्र करके की जाती है और तुला की साइड में इन छिद्रों के माध्यम से ट्विस्टिड सीलिंग तार पास किया जाता है । स्कवेयर लीड सील उपकरण की दोनों साइडों पर सीलिंग तार पर लगाई जाती है । मॉडल के सीलिंग प्रावधान का टाइपिकल सिमेटिक डायग्राम ऊपर दिया गया है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के 'ई' मान के लिए 100 से 50,000 की रेंज में और 100 मि.ग्रा. अथवा उससे अधिक के "ई" मान के लिए 5000 से 50,000 की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1\times10^{\text{के}}$, $2\times10^{\text{के}}$, $5\times10^{\text{के}}$, के हैं, जहाँ पर 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है ।

[फा. सं. डब्ल्यू एम-21(287)/2007]

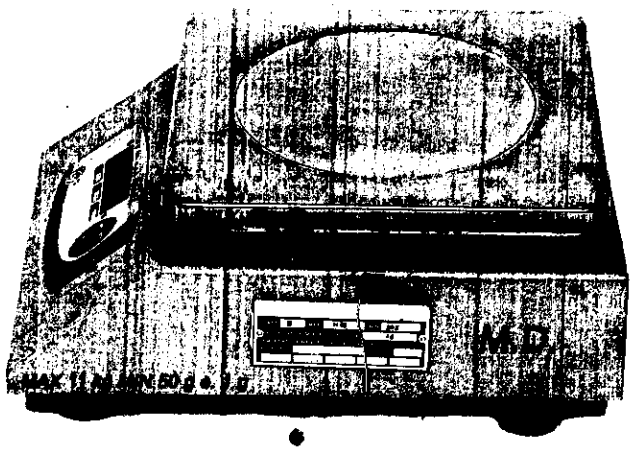
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th Febraury, 2008

S.O. 1250.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the non-automatic, weighing instrument (Tabletop type) with digital indication of "ST-11" series of high accuracy (Accuracy class-II) and with brand name "M.D." (herein referred to as the said model), manufactured by M/s. Seegate Corporation, 207, Gandhi Bhauvan, Chunam Lane, Lamington Road, Mumbai-400 007, Maharashtra and which is assigned the approval mark IND/09/07/542;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 11 kg and minimum capacity of 50 g. The verification scale interval (e) is 1 g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.



The sealing is done through the hole made in the bottom and top cover of the instrument at the both sides of the model and a seal wire is passed through these holes on both sides. A square lead seal is applied to the sealing wire on both sides of the instrument. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instument of similar make and performance of same series with maximum capacity upto 50 kg and with number of verification scale interval (n) in range of 100 to 50,000 for 'e' value of 1 mg to 50mg and with number of verification scale interval (n) in range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of $1x10^k$, $2x10^k$ or $5x10^k$, k being a positive or nagative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (287)/2007]

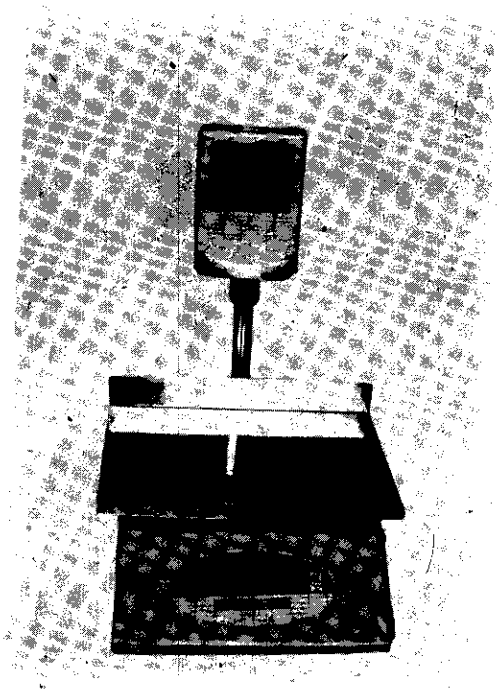
R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 29 फरवरी, 2008

का.आ. 1251.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए मैसर्स सम्पद स्केल्स एंड सिस्टम प्रा. लि., 6/6, एन सी दास रोड, कोलकाता-700090, पश्चिम बंगाल द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एसएसटी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "सम्पद" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/2007/188 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित टेबलटाप प्रकार का उपकरण है । इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है । सत्यापन मापमान अंतराल (ई) 5 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धांत आदि की शर्तों के सम्बन्ध में परिवर्तित नहीं किया जाएगा ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित माडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक 'ई' मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k}, 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(87)/2007]

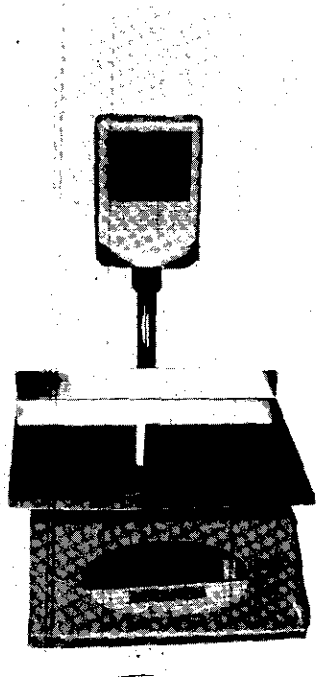
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th February, 2008

S.O. 1251.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic (Table top type) weighing instrument with digital indication of "SST" series of medium accuracy (Accuracy class-III) and with brand name "SAMPAD" (herein referred to as the said model), manufactured by M/s. Sampad Scales and Systems Pvt. Ltd., 6/6 N C Das Road, Kolkata-700 090, West Bengal and which is assigned the approval mark IND/09/07/188 ;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg and minimum capacity of 100 g. The verification scale interval (e) is 5 g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g or with verification scale interval(n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of $1x10^k$, $2x10^k$ or $5x10^k$, k being a positive or nagative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (87)/2007]

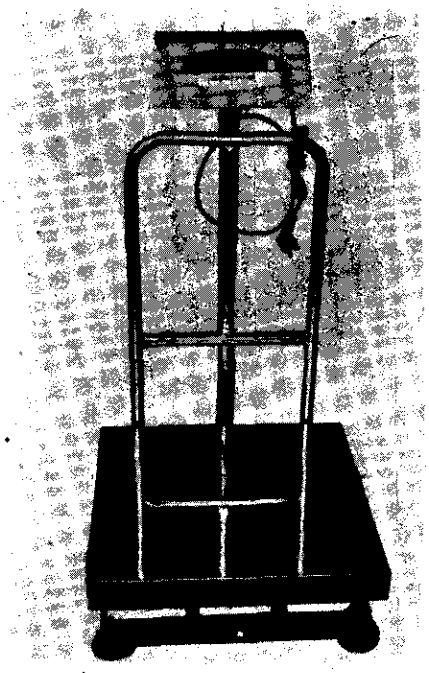
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 29 फरवरी, 2008

का.आ. 1252.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सम्पद स्केल्स एंड सिस्टम प्रा. लि., 6/6, एन सी दास रोड, कोलकाता-700090, पश्चिम बंगाल द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "एसएसपी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "सम्पद" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2007/189 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित प्लेट फार्म प्रकार का उपकरण है । इसकी अधिकतम क्षमता 1100 कि.ग्रा. है और न्यूनतम क्षमता 5 कि.ग्रा. है । सत्यापन मापमान अंतराल (ई) 100 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धांत आदि की शर्तों के सम्बन्ध में परिवर्तित नहीं किया जाएगा ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के 'ई' मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के 'ई' मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5,000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k}, 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(87)/2007]

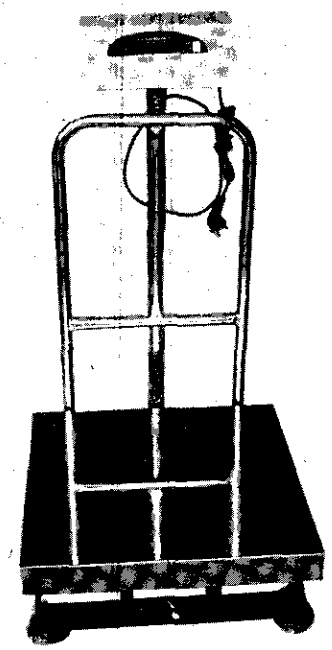
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th February, 2008

S.O. 1252.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the non-automatic weighing-instrument (Platform type) with digital indication of "SSP" series of high accuracy (Accuracy class-II) and with brand name "SAMPAD" (herein referred to as the said model), manufactured by M/s. Sampad Scales and Systems Pvt. Ltd., 6/6, N C Das Road, Kolkata-700 090, West Bengal and which is assigned the approval mark IND/09/07/189 ;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1100 kg and minimum capacity of 5 kg. The verification scale interval (e) is 100 g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instument of similar make, accuracy and performance of same series with maximum capacity range above 50kg and up to 5000kg and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of $1x10^k$, $2x10^k$ or $5x10^k$, k being the positive or nagative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (87)/2007]

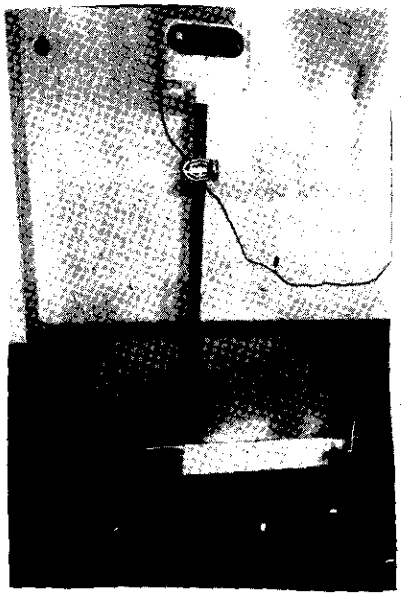
R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 29 फरवरी, 2008

का.आ. 1253.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स द एवरेस्ट स्केल्स कं.,# 1225, त्रिची रोड, कोयम्बतूर-641018 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "ई पी एस" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एवरेस्ट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/140 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है । इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 4 कि.ग्रा. है । सत्यापन मापमान अंतराल (ई) 200 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर में परिवर्तित नहीं किया जाएगा ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k}, 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

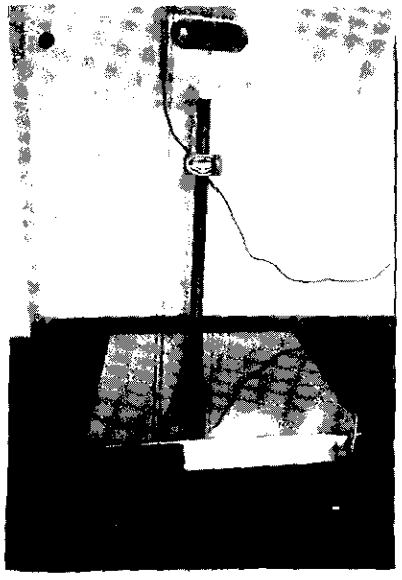
[फा. सं. डब्ल्यू एम-21(59)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th February, 2008

S.O. 1253.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "EPS" series of medium accuracy (Accuracy class-III) and with brand name "EVEREST" (herein referred to as the said model), manufactured by M/s.The Everest Scales Co., # 1225, Trichy Road, Coimbatore–641 018 and which is assigned the approval mark IND/09/07/140 ;



The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 1000 kg and minimum capacity of 4 kg. The verification scale interval (e) is 200 g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50kg and up to 5000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of $1x10^k$, $2x10^k$ or $5x10^k$, k being the positive or nagative whole number or equal to zero manufactured by the same manufacturer with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

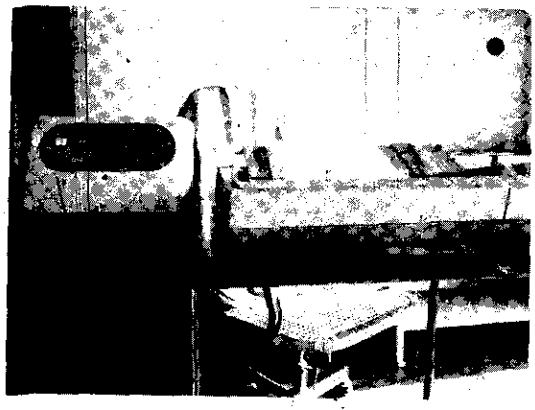
[F. No. WM-21 (59)/2007]

R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 29 फरवरी, 2008

का.आ. 1254.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ।

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स द एवरेस्ट स्केल्स कं., # 1225, त्रिची रोड, कोयम्बतूर-641018 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "ई डब्ल्यू बी सी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज के लिए कनवर्शन किट) के मॉडल का, जिसके ब्रांड का नाम "एवरेस्ट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/07/141 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ।



उक्त माडल एक विकृत गेज प्रकार का भार सेल आधारित हाईब्रिड टाइप अस्वचालित (वेब्रिज के लिए कन्वर्शन किट) का तोलन उपकरण है । इसकी अधिकतम क्षमता 30 टन है और न्यूनतम क्षमता 100 कि.ग्रा. है । सत्यापन मापमान अंतराल (ई) 5 कि.ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित माडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान $1\times10^{\text{के}}$, $2\times10^{\text{के}}$, $5\times10^{\text{के}}$, के हैं, जहाँ पर 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

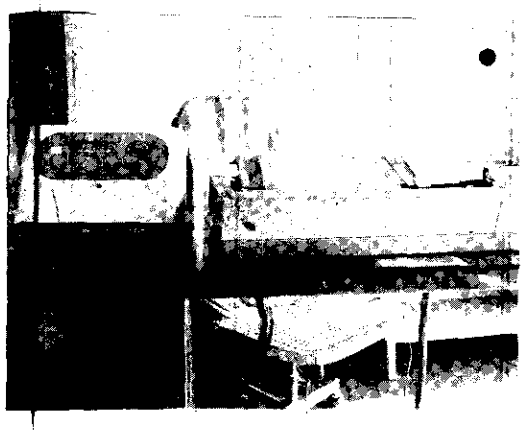
[फा. सं. डब्ल्यू एम-21(59)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th February, 2008

S.O. 1254.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of hybrid type, non-automatic weighing instrument (conversion kit for weighbridge) with digital indication belonging to medium accuracy (Accuracy class-III) and "EWBC" series with brand name "EVEREST" (herein referred to as the said model), manufactured by M/s. The Everest Scales Co., # 1225, Trichy Road, Coimbatore–641 018 and which is assigned the approval mark IND/09/07/141:



The said model is a strain gauge type load cell based non-automatic weighing instrument (conversion kit for weighbridge) with a maximum capacity of 30 tonne and minimum capacity of 100 kg. The verification scale interval (e) is 5kg. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instument of similer make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg or more and with 'e' value of $1x10^k$, $2x10^k$ or $5x10^k$, k being the positive or nagative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (59)/2007]

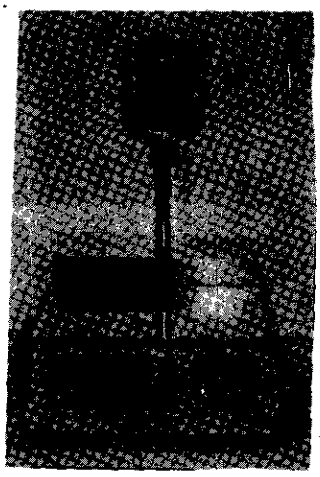
R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 14 मार्च, 2008

का.आ. 1255.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए, मैसर्स राज इलैक्ट्रोनिक एंड सिस्टम कुन्दन लाल मार्किट, मोर गंज, सहारनपुर, उत्तर प्रदेश द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "आर ई टी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "रिमिन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/2007/426 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ।

उक्त माडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 250 ग्रा. है । सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

स्टाम्पिंग प्लेट को सील करने से रोकने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा तथा मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा । मॉडल के सीलिंग प्रावधान का विशिष्ट स्कीम डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 50,000 तक के रेंज में और 100 मि.ग्रा. अथवा उससे अधिक के "ई" मान के लिए 5,000 से 50,000 की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k}, अथवा 5×10^{k}, के हैं, जहाँ पर 'क' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(241)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2008

S.O. 1255.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication "RET" series of high accuracy (Accuracy class-II) and with brand name "RIMINE" (herein referred to as the said model), manufactured by M/s.Raj Electronic and System, Kundan Lal Market. More Ganj, Saharanpur, U.P. and which is assigned the approval mark IND/09/07/426 ;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 250g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

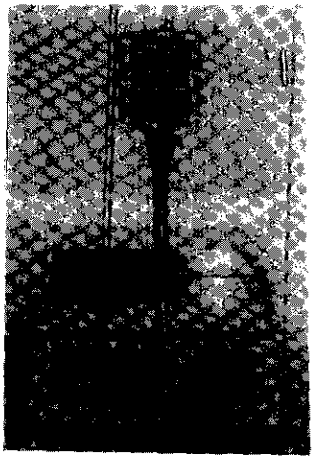


Fig. 2 Schematic diagram of sealing provision of the model

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instument of similar make and performance of same series with maximum capacity above 50 kg and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50 mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of $1x10^k$, $2x10^k$ or $5x10^k$, k being a positive or nagative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (241)/2007]

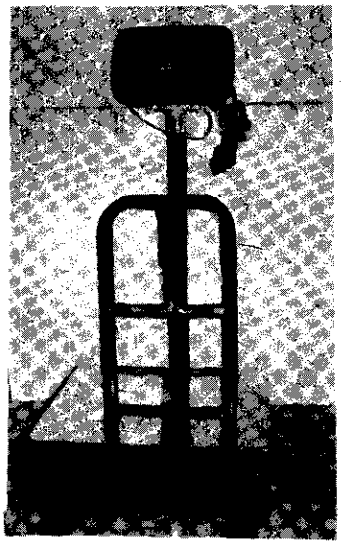
R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 14 मार्च, 2008

का.आ. 1256.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स राज इलैक्ट्रोनिक एंड सिस्टम, कुन्दन लाल मार्किट, मोर गंज, सहारनपुर, उत्तर प्रदेश द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "आर ई पी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "रिमिन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/2007/427 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ।

उक्त मॉडल एक विकृत गैज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 500 कि.ग्रा. है और न्यूनतम क्षमता 5 कि.ग्रा. है । सत्यापन मापमान अंतराल (ई) 100 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



आकृति-2 मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

स्टाम्पिंग प्लेट को सील करने से रोकने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा तथा मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा । मॉडल के सीलिंग प्रावधान का विशिष्ट स्कीम डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k} अथवा 5×10^{k}, के हैं, जहाँ पर 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(241)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2008

S.O. 1256.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication "REP" series of high accuracy (Accuracy class-II) and with brand name "RIMINE" (herein referred to as the said model), manufactured by M/s.Raj Electronic and System, Kundan Lal Market, More Ganj, Saharanpur, U.P. and which is assigned the approval mark IND/09/07/427 ;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500 kg. and minimum capacity of 5kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

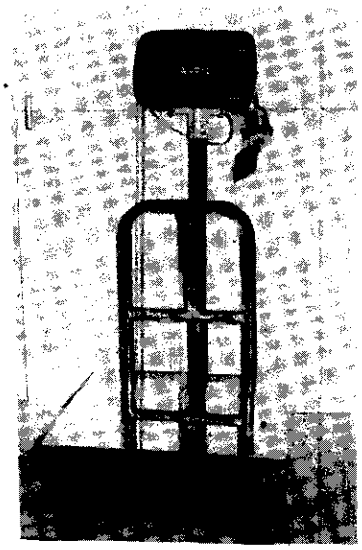


Fig. 2 Schematic diagram of sealing provision of the model

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity range above 50 kg and upto 5000 kg. and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being a positive or nagative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (241)/2007]

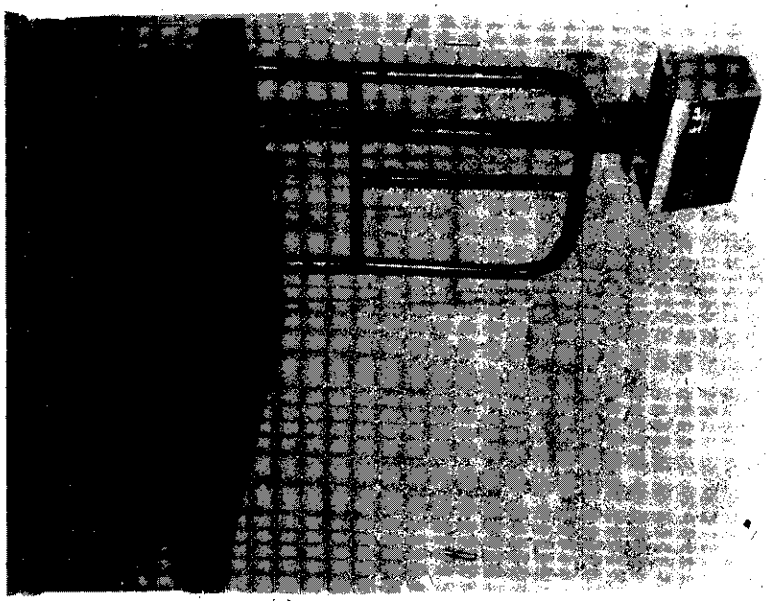
R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 28 मार्च, 2008

का.आ. 1257.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इननोवेटिव सिस्टम्स, सी-448 सेक्टर 10, नोएडा-201301, उत्तर प्रदेश द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "डब्ल्यूसी" शृंखला के अंकक सूचन सहित, स्वत: सूचक, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "इनसिस" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/2007/507 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है ।

उक्त माडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 300 कि.ग्रा. है और न्यूनतम क्षमता 4 कि.ग्रा. है । सत्यापन मापमान अंतराल (ई) 200 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



आकृति-2 मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

डबल सिलिंग प्रणाली द्वारा सीलिंग की जाती है। एक सील स्टाम्पिग प्लेट के साथ एक साइड में लगाई जाती है। दूसरी सील तुला की दूसरी साइड में बाटम प्लेट तथा साइड प्लेट में छिद्र करके की जाती है और तुला की साइड में इन छिद्रों के माध्यम से ट्विस्टिड सीलिंग तार पास किया जाता है तथा लीड सील तार पर लगाई जाती है। मॉडल के सीलिंग प्रावधान के टाइपिकल सिमेटिक डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. अथवा उससे अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k} अथवा 5×10^{k} के हैं, जहाँ पर 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(254)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th March, 2008

S.O. 1257.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "WC" series of medium accuracy (Accuracy class-III) and with brand name "INNSYS" (herein referred to as the said model), manufactured by M/s. Innovative Systems, C-448, Sector-10, Noida-201301, U.P. and which is assigned the approval mark IND/09/07/507 ;

The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 300 kg. and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

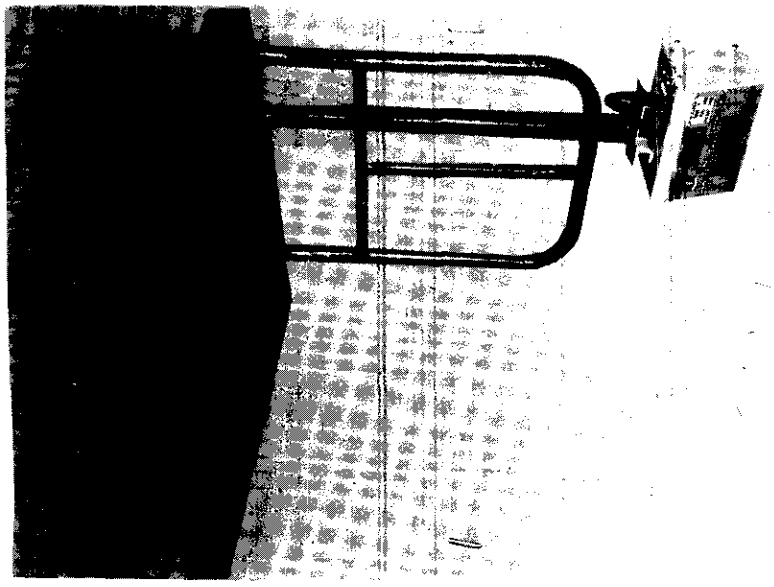


Fig. 2 Schematic arrangement of sealing arrangement

The sealing is done by passing wire through hole at the right side of the top cover and another hole provided parallel in the screw at the bottom of the indicator and securing it by leadseal. A typical schematic diagram of sealing arrangement of the model has been given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instument of same series with maximum capacity above 50 kg and upto 5000 kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of $1x10^k$, $2x10^k$ or $5x10^k$, k being a positive or nagative whole number or equal to zero manufactured by the same manufacturer with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (254)/2007]

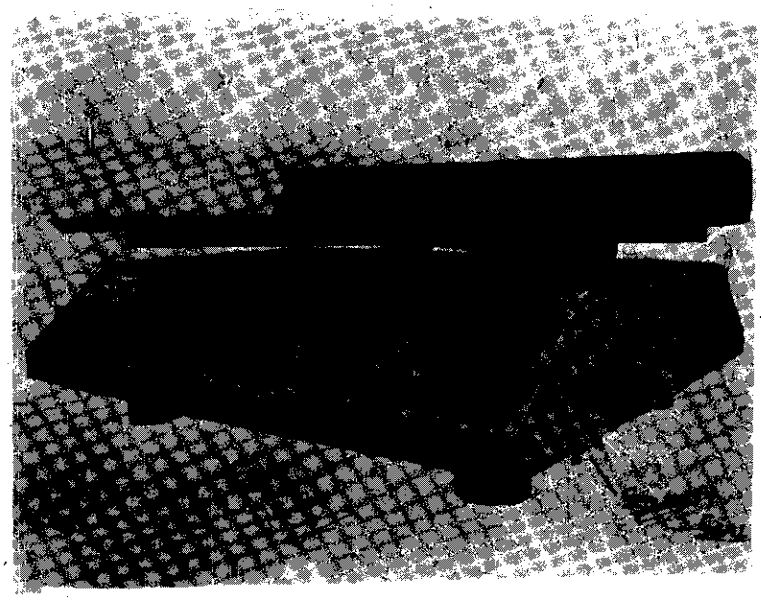
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 28 मार्च, 2008

का.आ. 1258.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों प्रयोग करते हुए, मैसर्स इनोवेटिव सिस्टम्स, सी-448, सेक्टर 10, नोएडा-201301, उत्तर प्रदेश द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "डब्ल्यूबी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "इनसिस" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/2007/506 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ।

उक्त माडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है । इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 250 ग्रा. है । सत्यापन मापमान अंतराल (ई) 5 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

सिलिंग उपकरण के तल में और ऊपर के ढक्कन में बायीं और दायीं ओर छेद करके की जाती है और इन छेदों के आर-पार एक सील वायर निकाली जाती है । उपकरण के दोनों छोरों पर सीलिंग वायर पर एक चपटी लीड सील लगाई जाती है । मॉडल के सीलिंग प्रावधान का एक विशिष्ट सिमेटिक डायग्राम ऊपर दिया गया है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 50,000 की रेंज में और 100 मि.ग्रा. अथवा उससे अधिक के "ई" मान के लिए 5,000 से 50,000 की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{क}, 2×10^{क} अथवा 5×10^{क}, के हैं, जहाँ पर 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(254)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th March, 2008

S.O. 1258.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tabletop type) with digital indication of "WB" series of high accuracy (Accuracy class-II) and with brand name "INNSYS" (herein referred to as the said model), manufactured by M/s. Innovative Systems, C-448, Sector-10, Noida-201301, U.P. and which is assigned the approval mark IND/09/07/506 ;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30 kg. and minimum capacity of 250g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

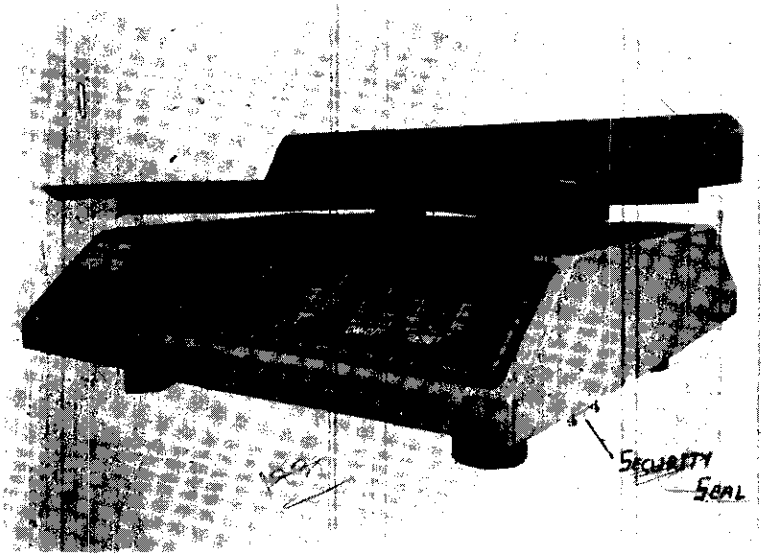


Figure-2 Schematic arrangement of sealing arrangement.

The sealing is done by passing wire through hole provided in the screw provided at the bottom side of the machine and passing wire through 2 such screws and apply lead seal to prevent the opening of the machine through wire and seal. A typical schematic diagram of the sealing arrangement of the model has been given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50 kg and with number of verification scale interval (n) in the range of 100 to 50000 for 'e' value of 1mg to 50mg and with number of verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100mg or more and with 'e' value of $1x10^k$, $2x10^k$ or $5x10^k$, k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (254)/2007]

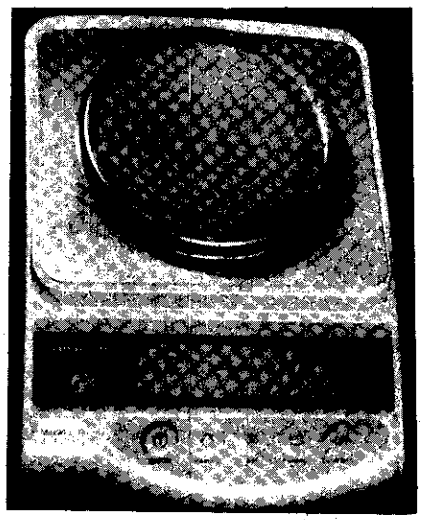
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 28 मार्च, 2008

का.आ. 1259.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए मैसर्स साइबर लेब कार्पोरेशन, 22, सेलो टिरेस, मिलबरी, माओ (एम ए ओ) 1527, यूएसए द्वारा विनिर्मित और मैसर्ज अमकेट एनालिटिक्स लि. , बी-27, श्रीराम इंडस्ट्रियल इस्टेट, 13, जी डी अम्बेडकर मार्ग, वडाला, मुंबई-400031द्वारा भारत में मार्केटिंग के लिए किया गया उच्च यथार्थता (यथार्थता वर्ग II) वाले यू एस शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "साइबरलेब" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/2007/486 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ।

उक्त माडल (नीचे दी गई आकृति देखें) एक विकृत गेज अपरूपण तुलादण्ड प्रकार का भार सेल आधारित अस्वचालित (टेबलटाप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 300 ग्रा. है और न्यूनतम क्षमता 200 मि.ग्रा. है । सत्यापन मापमान अंतराल (ई) 10 मि.ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। द्रव क्रिस्टल डायोड (एल.सी. डी.) प्रदर्श उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



आकृति-2 मॉडल को सीलबंद करने के उपबंध का योजनाबद्ध डायग्राम ।

माडल को आधार प्लेट और ढ़ाचा दोनों पर छेद में तार डालते हुए सीलबंद किया जाएगा । माडल को सीलबंद करने के उपबंध का प्ररूपी योजनाबद्ध डाइग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 कि.ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 5000 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक "ई" मान के लिए 100 से 50000 तक की रेंज के सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k}, या 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(220)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th March, 2008

S.O. 1259.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tabletop type) with digital indication of "US" series of high accuracy (Accuracy class-II) and with brand name "CYBERLAB" (herein referred to as the said model), manufactured by M/s. Cyberlab Corporation, 22, Salo Terrace, Millbury, MAO 1527, USA and marketed in India by M/s. Amkette Analytics Ltd., B-27, Shri Ram Industrial Estate, 13, GD Ambedkar Marg, Wadala, Mumbai-400 031 and which is assigned the approval mark IND/09/07/486 ;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 300g. and minimum capacity of 200mg. The verification scale interval (e) is 10mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Luiquid Crystal Diode (LCD) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

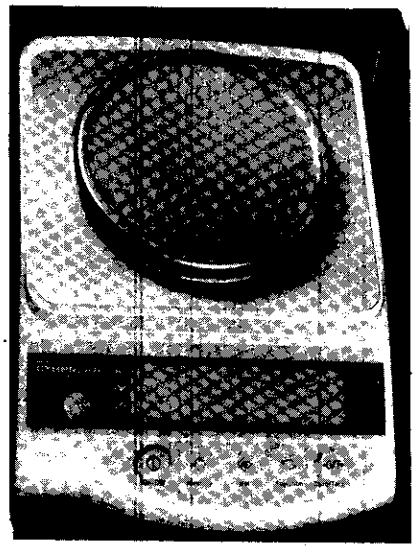


Fig. 2 Schematic diagram of sealing provision of the model.

The model is sealed by the wire passing through the hole at the base plate and the body both. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50kg and with number of verification scale interval (n) in the range of 100 to 50000 for 'e' value of 1 mg to 50mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of $1x10^k$, $2x10^k$ or $5x10^k$, k being a positive or nagative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (220)/2007]

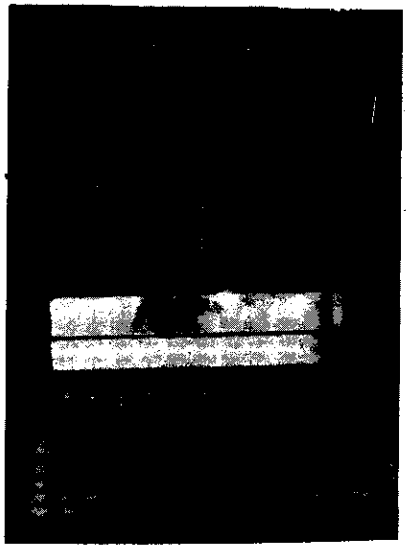
R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 3 अप्रैल, 2008

का.आ. 1260.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत:, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए, मैसर्स कुमार सिस्टम्स, प्लाट नं. 2284, जयदेव विहार स्क्वायर, भुवनेश्वर-751013, उड़ीसा द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "ईटीटीएच" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "यूरोटेक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2007/464 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है । सत्यापन मापमान अंतराल (ई) 2 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

कपटपूर्ण व्यवहार से बचने के लिए स्टाम्पिंग प्लेट पर सीलिंग प्वाइंट चिपका दिया है। पॉट स्केल की बाडी के अन्दर है और पॉट को गलत तालमेल से बचाने के लिए स्केल की बाडी पर कोई छेद नहीं है। उपकरण के तल पर स्टाम्पिंग प्लेट के बीच से वायर सीलिंग की गई है और सील को अपर बाडी के एक तरफ लीड द्वारा चिपका दिया गया है।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 50,000 की रेंज में सत्यापन मापमान अंतराल (एन) सहित 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक और 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k}, अथवा 5×10^{k}, के हैं, जहाँ पर 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(228)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 3rd April, 2008

S.O. 1260.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication "ETTH" series of high accuracy (Accuracy class-II) and with brand name "EUROTECH" (herein referred to as the said model), manufactured by M/s. Kumar System, Plot No. 2284, Jaydev Vihar Square, Bhubneswar-751013, Orissa and which is assigned the approval mark IND/09/07/464 ;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

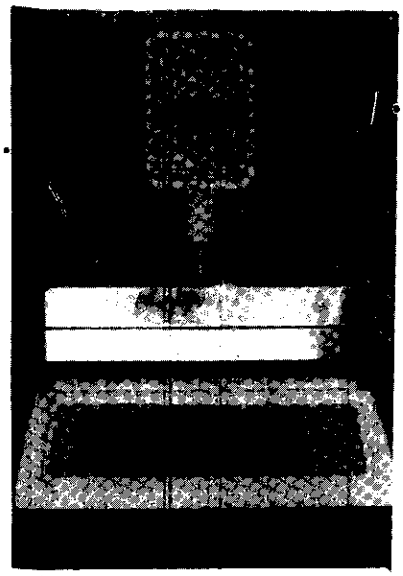


Fig. 2 Schematic diagram of sealing arrangement

The sealing point is affixed on the stamping plate to avoid fraudulent use. The pot is inside body of the scale and no hole is provided on the body to prevent the fraudulent use by adjusting the pot. Wire sealing is provided with the attachment of the base of the instrument through the stamping plate and sealing with lead affixed on the one side of upper body.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instuments of similar make accuracy and performance of same series with maximum capacity upto 50 kg with verification scale interval (n) in the range of 100 to 50000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of $1x10^k$, $2x10^k$ or $5x10^k$, where k is a positive or nagative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

[F. No.WM-21 (228)/2007]

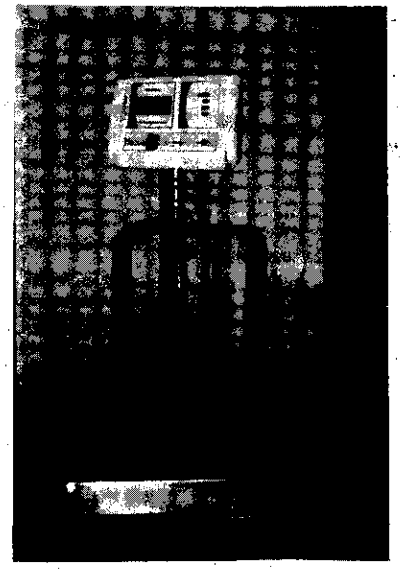
R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 3 अप्रैल, 2008

का.आ. 1261.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स कुमार सिस्टम्स, प्लाट नं. 2284, जयदेव विहार स्क्वायर, भुवनेश्वर-751013, उड़ीसा द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "ईटीपी" शृंखला अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "यूरोटेक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/2007/467 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ।

उक्त माडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 200 कि.ग्रा. है और न्यूनतम क्षमता 400 ग्रा. है । सत्यापन मापमान अंतराल (ई) 20 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

कपटपूर्ण व्यवहार से बचने के लिए स्टाम्पिंग प्लेट पर सिलिंग प्वाइंट चिपका दिया है। पॉट स्केल की बाडी के अन्दर है और पॉट को गलत तालमेल से बचाने के लिए स्केल की बाडी पर कोई छेद नहीं है। उपकरण के तल पर स्टाम्पिंग प्लेट के बीच से वायर सीलिंग की गई है और सील को अपर बाडी के एक तरफ लीड द्वारा चिपका दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. अथवा उससे अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{क}, 2×10^{क}, 5×10^{क}, के हैं, जहाँ पर 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(228)/2007]

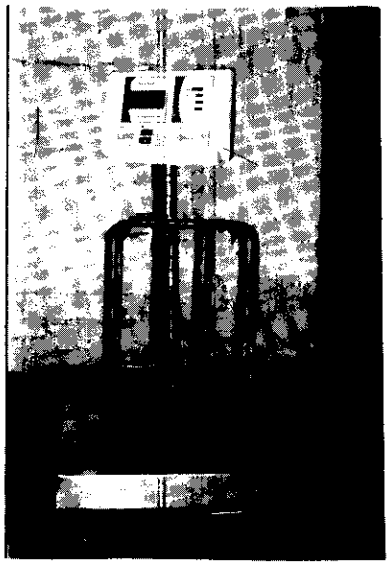
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 3rd April, 2008

S.O. 1261.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Platform type) with digital indication of "ETP" series of medium accuracy (Accuracy class-III) and with brand name "EUROTECH" (herein referred to as the said model), manufactured by M/s. Kumar System, Plot No. 2284, Jaydev Vihar Square, Bhubneswar-751013, Orissa and which is assigned the approval mark IND/09/07/467;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 200 kg. and minimum capacity of 400g. The verification scale interval (e) is 20g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



Schematic arrangement of sealing arrangement

The sealing point is a affixed on the stamping plate to avoid fraudulent use. The pot is in side body of the scale and no hole is provided on the body to prevent the fraudulent use by adjusting the pot. Wire sealing is provided with the attachment of the base of the instrument through the stamping plate and sealing with lead affixed on the one side of upper body.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity above 50 kg. up to 5000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5mg. or more and with 'e' value of $1x10^k$, $2x10^k$ or $5x10^k$, where k is a positive or nagative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (228)/2007]

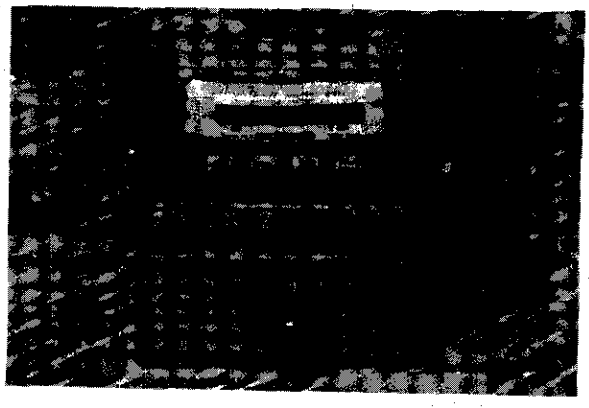
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 3 अप्रैल, 2008

का.आ. 1262.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स कुमार सिस्टम्स, प्लाट नं. 2284, जयदेव विहार स्क्वायर, भुवनेश्वर-751013, उड़ीसा द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "ईटीएच" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (हैंगिंग प्रकार) के मॉडल का, जिसके ब्रांड का नाम "इण्डोसा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2007/465 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ।

उक्त माडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (हैंगिंग प्रकार) है। इसकी अधिकतम क्षमता 60 कि.ग्रा. है और न्यूनतम क्षमता 400 ग्रा. है । सत्यापन मापमान अंतराल (ई) 20 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

कपटपूर्ण व्यवहार से बचने के लिए स्टाम्पिंग प्लेट पर सिलिंग प्वाइंट चिपका दिया है। पोट स्केल की बाडी के अन्दर है और पोट को गलत तालमेल से बचाने के लिए स्केल की बाडी पर कोई छेद नहीं है। उपकरण के तल पर स्टाम्पिंग प्लेट के बीच से वायर सीलिंग की गई है और सील को अपर बाडी के एक तरफ लीड द्वारा चिपका दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. अथवा उससे अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में सत्यापन मापमान अंतराल (एन) सहित 100 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k} अथवा 5×10^{k}, के हैं, जहाँ पर 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(228)/2007]

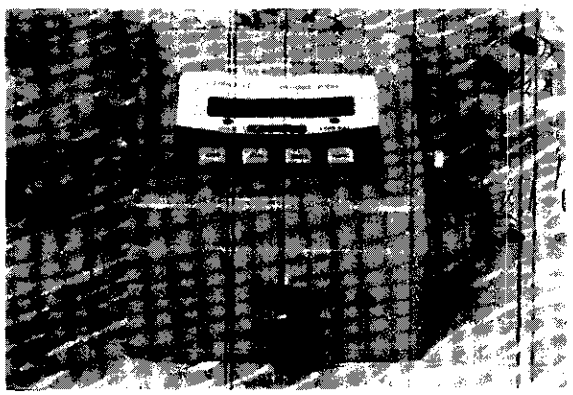
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 3rd April, 2008

S.O. 1262.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Hanging type) with digital indication of "ETH" series of medium accuracy (accuracy class-III) and with brand name "INDOSAW" (herein referred to as the said model), manufactured by M/s. Kumar System, Plot No. 2284, Jaydev Vihar Square, Bhubneswar-751013, Orissa and which is assigned the approval mark IND/09/07/465 ;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Hanging type) with a maximum capacity of 60 kg. and minimum capacity of 400 g. The verification scale interval (e) is 20 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instruments operates on 230 Volts and 50 Hertz alternative current power supply.



Schematic arrangement of sealing arrangement.

The sealing point is a affixed on the stamping plate to avoid fraudulent use. The pot is in side body of the scale and no hole is provided on the body to prevent the fraudulent use by adjusting the pot. Wire sealing is provided with the attachment of the base of the instrument through the stamping plate and sealing with lead affixed on the one side of upper body.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 100 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or nagative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (228)/2007]

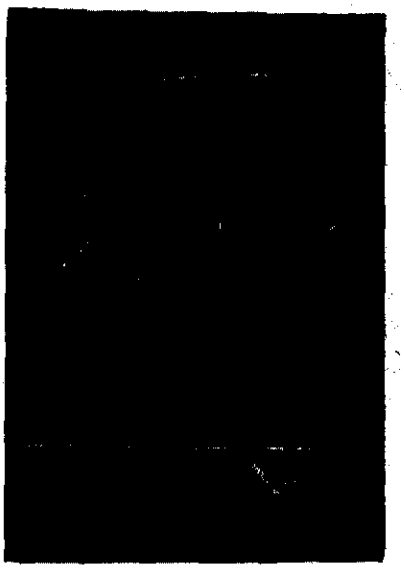
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 3 अप्रैल, 2008

का.आ. 1263.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत:, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स कुमार सिस्टम्स, प्लाट नं. 2284, जयदेव विहार स्कवायर, भुवनेश्वर-751013, उड़ीसा द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "ई टी पी एच" शृंखला अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "यूरोटेक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/07/466 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ।

उक्त माडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेट्फार्म प्रकार) है । इसकी अधिकतम क्षमता 200 कि.ग्रा. है और न्यूनतम क्षमता 500 ग्रा. है । सत्यापन मापमान अंतराल (ई) 10 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



कपटपूर्ण व्यवहार से बचने के लिए स्टाम्पिंग प्लेट पर सीलिंग प्वाइंट चिपका दिया है । पॉट स्केल की बाडी के अन्दर है और पॉट को गलत तालमेल से बचाने के लिए स्केल की बाडी पर कोई छेद नहीं है । उपकरण के तल पर स्टाम्पिंग प्लेट के बीच से वायर सीलिंग की गई है और सील को अपर बाडी के एक तरफ लीड द्वारा चिपका दिया गया है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. अथवा उससे अधिक के "ई" मान के लिए 5,000 से 50,000 की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं । और "ई" मान 1×10^{k}, 2×10^{k} अथवा 5×10^{k}, के हैं, जहाँ पर 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(228)/2007]

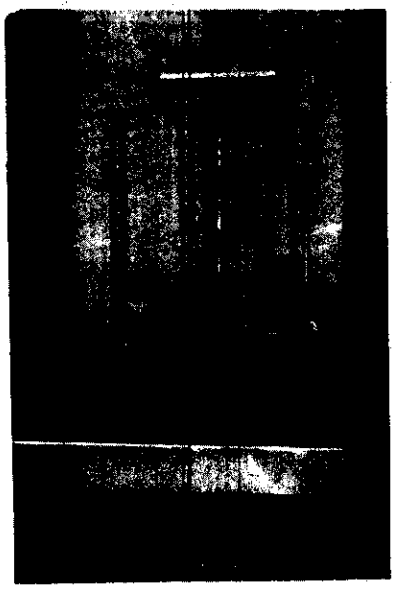
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 3rd April, 2008

S.O. 1263.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Platform type) with digital indication of "ETPH" series of high accuracy (Accuracy class-II) and with brand name "EUROTECH" (herein referred to as the said model), manufactured by M/s. Kumar System, Plot No. 2284, Jaydev Vihar Square, Bhubneswar-751013, Orissa and which is assigned the approval mark IND/09/07/466 ;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 200kg and minimum capacity of 500g. The verification scale interval (e) is 10kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



The sealing point is affixed on the stamping plate to avoid fradulent use. The pot is in side body of the scale and no hole is provided on the body to prevent the fraudulent use by adjusting the pot. Wire sealing is provided with the attachment of the base of the instrument through the stamping plate and sealing with lead affixed on the one side of upper body.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instuments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5,000 kg. with verification scale interval(n) in the range of 5,000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of $1x10^k$, $2x10^k$ or $5x10^k$, where k is a positive or nagative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

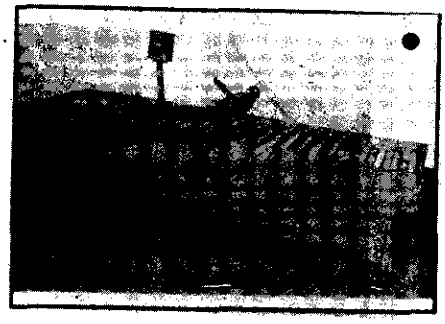
[F. No. WM-21 (228)/2007]

R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 7 अप्रैल, 2008

का.आ. 1264.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत:, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रोग्रेसिव इंजीनियरिंग #20, हरीचन्द मिल कम्पाउंड, सुबोध टेक्सटाइल से आगे, एल बी एस मार्ग, विखरोली (पश्चिम), मुंबई-400 079, महाराष्ट्र द्वारा विनिर्मित यथार्थता वर्ग एक्स (1) वाले "पी ई सी डब्ल्यू-30" श्रृंखला के कैच वेइंग तोलन उपकरण (चैक वेह्यर प्रकार का) के माडल का, जिसके ब्रांड का नाम "प्रोग्रसिव" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/125 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ।



उक्त माडल एक विकृत गेज प्रकार का भार सेल आधारित कैच वेइंग (चैक वेह्यर) प्रकार का तोलन उपकरण है । इसकी अधिकतम क्षमता 30 कि.ग्रा. और अधिकतम चैक दर 60 पैक प्रति मिनट है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त,मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा ।

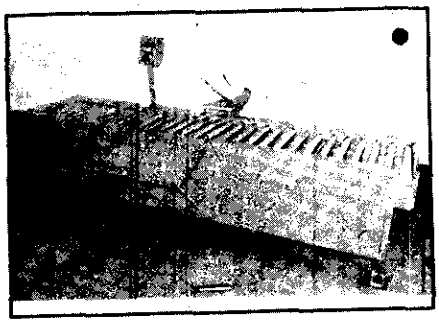
[फा. सं. डब्ल्यू एम-21(51)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th April, 2008

S.O. 1264.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Catch Weighing Instrument (Check Weigher) belonging to accuracy class X(1) of "PECW-30" series with brand name "PROGRESSIVE" (herein referred to as the said Model), manufactured by M/s. Progressive Engineering, #20, Harichand Mill Compound, Next to Subhodh Textiles, Off LBS Marg, Vikhroli (W), Mumbai-400 079, Maharashtra and which is assigned the approval mark IND/09/07/125;



The said model is a strain gauge type load cell based Catch Weighing Instrument (Check Weigher). Its maximum capacity range is up to 30 kg. Its maximum check rate is 60 pack per minute. The light emitting diode (LED) display indicates the weighing result. The instruments operates on 230V, 50 Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms in terms of its material, accuracy, design, circuit diagram, working principle etc.

[F. No. WM-21 (51)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

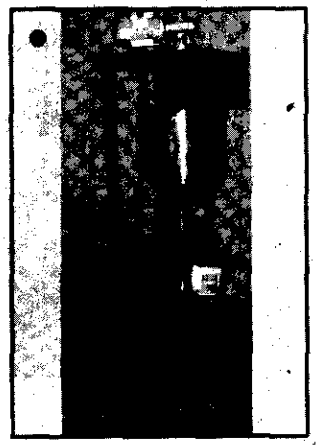
नई दिल्ली, 7 अप्रैल, 2008

का.आ. 1265.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रोग्रेसिव इंजीनियरिंग #20, हरीचन्द मिल कम्पाउंड, सुबोध टेक्सटाइल से आगे, एल बी एस मार्ग, विखरोली(पश्चिम), मुंबई-400 079, महाराष्ट्र द्वारा विनिर्मित यथार्थता वर्ग एक्स(1) वाले "पी ई डब्ल्यू एफ-10" शृंखला के आटोमेटिक ग्रेविमैट्रिक फिलिंग इंस्ट्रूमेंट (वे फिलर प्रकार) के माडल का, जिसके ब्रांड का नाम "प्रोग्रसिव" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/126 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ।

उक्त माडल विकृत गेज प्रकार का भार सेल आधारित आटोमेटिक ग्रेविमैट्रिक फिलिंग इंस्ट्रूमेंट (वे फिलर) उपकरण है । इसकी अधिकतम क्षमता 10 कि. ग्रा. है । इसकी अधिकतम भराव दर 20 भराव प्रति मिनट है । मशीन को बिस्कुट, पाउडर, दालें, अनाजों, मसालों, चाय, चीनी, चावल, बीजों आदि जैसे फ्री फ्लोइंग उत्पादों के भराव के लिए बनाया गया है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा ।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित माडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जिनकी रेंज 10 ग्रा. से 10 कि.ग्रा. तक है ।

[फा. सं. डब्ल्यू एम-21(51)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

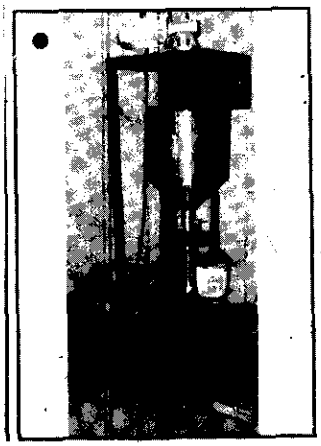
New Delhi, the 7th April, 2008

S.O. 1265.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Automatic Gravimetric Filling Instrument (Weigh filler) belonging to accuracy class X(1) of 'PEWF-10' series with brand name "PROGRESSIVE" (herein referred to as the said model), manufactured by M/s. Progressive Engineering, #20, Harichand Mill Compound, Next to Subhodh Textiles, Off LBS Marg, Vikhroli(W), Mumbai-400 079, Maharashtra and which is assigned the approval mark IND/09/07/126;

The said model is a strain gauge type load cell based Automatic Gravimetric Filling Instrument (Weigh filler). Its maximum capacity is 10kg. Its maximum fill rate is 20 fills per minute. The machine is designed for filling the free flowing products like biscuit, powder, pulses, grains, spices, tea, sugar, rice, seeds etc. The light emitting diode (LED) display indicates the weighing result. The instruments operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.



Further, in exercise of the power conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instuments of similar make, accuracy and performance of same series with capacity in the range of 10g to 10kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

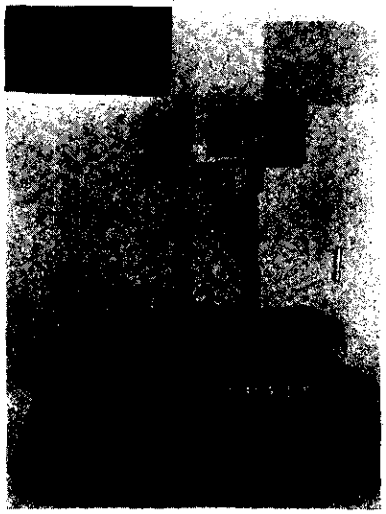
[F. No. WM-21 (51)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 22 मई, 2008

का.आ. 1266.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए, मैसर्स सिल्वर मेट्रिक वर्क्स, शिवाजी नगर, सावरकुण्डल-364515, गुजरात द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले 'एस एम डब्ल्यू टी-02' शृंखला के अंकक सूचक सहित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम 'सिल्वर' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/07/213 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ।



उक्त मॉडल एक विकृत गेज प्रकार का भार सैल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है । इसकी अधिकतम क्षमता 30 किलोग्राम और न्यूनतम क्षमता 100 ग्राम है । इसका सत्यापन मापमान अन्तराल 2 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा और मॉडल को बिक्री से पूर्व या उपरांत इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धांत आदि के रूप में कोई परिवर्तन न किया जा सके ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्राम से 50 मि. ग्राम के 'ई' मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्राम या उससे अधिक के 'ई' मान के लिए 5000 से 50,000 तक की 50 ग्रा. की अधिकतम क्षमता वाले हैं और 'ई' मान $1\times10^{*}$, $2\times10^{*}$ या $5\times10^{*}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(100)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd May, 2008

S.O. 1266.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the non-automatic weighing instrument (Tabletop type) with digital indication of "SMWT-02" series of high accuracy (Accuracy class-II) and with brand name "SILVER" (herein referred to as the said model), manufactured by M/s. Silver Metric Works, Shivaji Nagar, Savarkundala–364 515, Gujarat and which is assigned the approval mark IND/09/07/213.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30 kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instruments operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instument of similar make and performance of same series with maximum capacity upto 50 kg. and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50 mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (100)/2007]

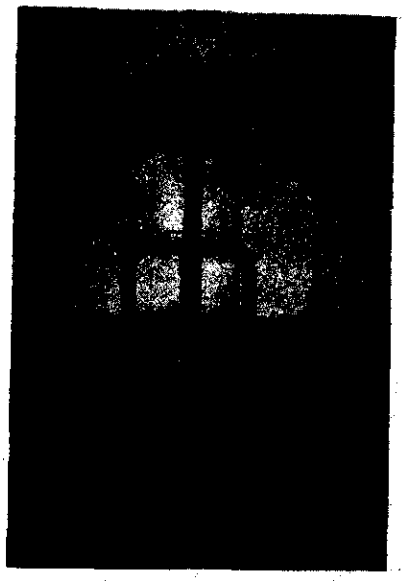
R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 22 मई, 2008

का.आ. 1267.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत:, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स राघव इलैक्ट्रोनिक वेइंग सिस्टम्स, 43, कबाड़ी बाजार, मेरठ सीटी, मेरठ-250 002 उत्तर प्रदेश द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) के "जी डब्ल्यू पी" शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) जिसके ब्राण्ड का नाम "गोल्डवे" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) जिसे अनुमोदन चिह्न आई एन डी/09/07/421 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ।

उक्त माडल एक विकृत गेज प्रकार का भार सैल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है । इसकी अधिकतम क्षमता 500 कि.ग्रा. है और न्यूनतम क्षमता 5 कि. ग्रा. है । सत्यापन मापमान अंतराल (ई) 100 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा । माडल को सीलबंद करने का एक प्रारूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित माडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. या उससे अधिक के 'ई' मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k}, 5×10^{k}, 'के' हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(235)/2007]

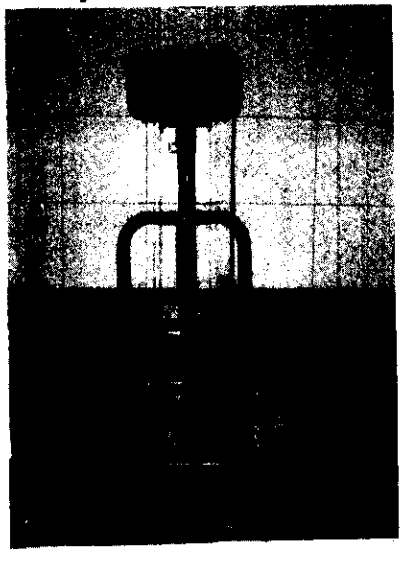
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd May, 2008

S.O. 1267.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) with digital indication of "GWP" series of high accuracy (Accuracy class-II) and with brand name "GOLDWEIGH" (herein referred to as the said model), manufactured by M/s. Raghav Electronic Weighing Systems, 43, Kabari Bazar, Meerut City, Meerut-250 002, U. P. and which is assigned the approval mark IND/09/07/421;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500kg and minimum capacity of 5kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instument of similar make and performance of same series with maximum capacity range above 50 kg. and up to 5000kg and with number of verification scale interval (n) in the range of 5000 to 50000 for 'e' value of 100mg or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, 'k' being a positive or nagative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design accuracy and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (235)/2007]

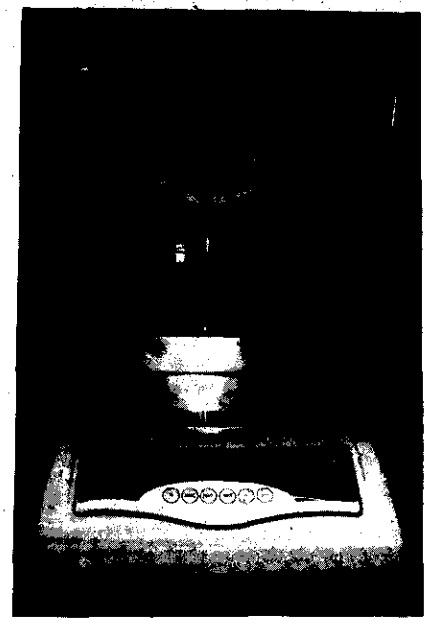
R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 22 मई, 2008

का.आ. 1268.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत:, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स राघव इलैक्ट्रोनिक वेइंग सिस्टम्स, 43, कबाड़ी बाजार, मेरठ सीटी, मेरठ-250 002 उत्तर प्रदेश द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) के "जी डब्ल्यू टी" शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबलटाप प्रकार) जिसके ब्राण्ड का नाम "गोल्डवे" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है), जिसे अनुमोदन चिह्न आई एन डी/09/07/420 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ।

उक्त मॉडल एक विकृत गेज प्रकार का भार सैल आधारित अस्वचालित (टेबलटाप प्रकार) तोलन उपकरण है । इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 250 ग्रा. है । सत्यापन मापमान अंतराल (ई) 5 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा । मॉडल को सीलबंद करने का एक प्रारूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि. ग्रा. तक के "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k}, 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(235)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd May, 2008

S.O. 1268.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Tabletop type) with digital indication of "GWP" series of high accuracy (Accuracy class-II) and with brand name "GOLDWEIGH" (herein referred to as the said model), manufactured by M/s. Raghav Electronic Weighing Systems, 43, Kabari Bazar, Meerut City, Meerut-250 002, U. P. and which is assigned the approval mark IND/09/07/420;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30kg and minimum capacity of 250g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instruments operates on 230V and 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instuments of similar make and performance of same series with maximum capacity range above 50 kg. and with number of verification scale interval (n) in the range of 100 to 50000 for 'e' value of 1mg to 50mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of $1x10^k$, $2x10^k$ or $5x10^k$, k being a positive or nagative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

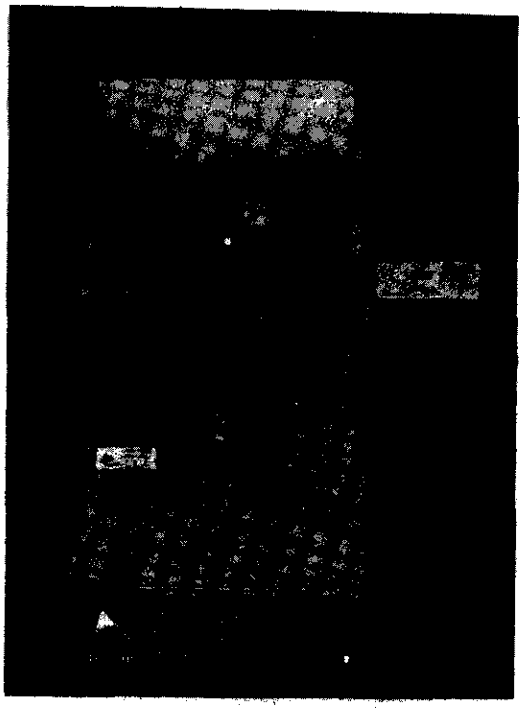
[F. No. WM-21 (235)/2007]

R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 22 मई, 2008

का.आ. 1269.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट तथा माप मानक अधिनियम, 1976 (1976 का 60) और बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत:, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स प्रिस्म पैकेजिंग, यूनिट संख्या 15, अनुपम इण्डस्ट्रियल एस्टेट नं.-2, पी एण्ड टी कालोनी के पास, मुलुन्द (वेस्ट), मुंबई-80 द्वारा विनिर्मित यथार्थता वर्ग [यथार्थता वर्ग-X(1)] वाले स्वसूचक, स्वचालित ग्रेविमेट्रिक फिलिंग मशीन के मॉडल का, जिसके ब्राण्ड का नाम "प्रिस्म" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/07/197 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ।



उक्त माडल एक स्वचालित ग्रेविमेट्रिक फिलिंग उपकरण है जिसका यर्थाथता वर्ग X (1) है । इसकी अधिकतम क्षमता 5 किलो ग्राम और न्यूनतम क्षमता 100 ग्राम है । इसका सत्यापन मापमान अन्तराल 1 ग्राम है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा और मॉडल को बिक्री के पूर्व या उपरांत इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धान्त आदि के रूप में कोई परिवर्तन न किया जा सके ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित माडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 ग्राम से 5 कि. ग्राम तक की अधिकतम क्षमता की रेंज में हैं ।

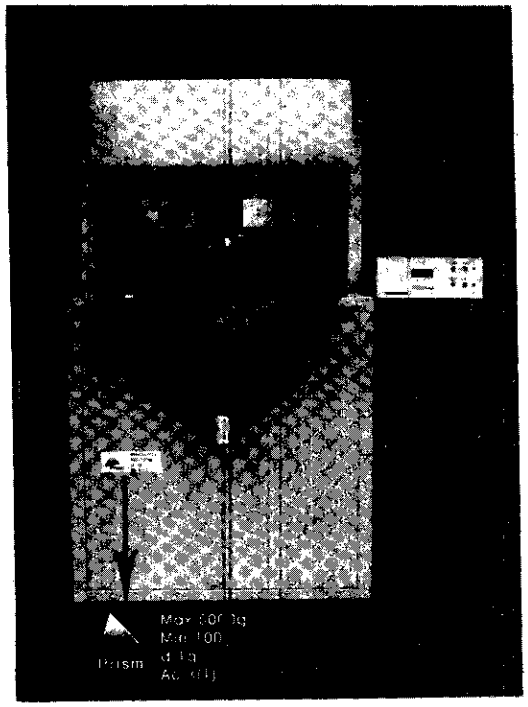
[फा. सं. डब्ल्यू एम-21(69)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd May, 2008

S.O. 1269.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of self-indicating, Automatic Gravimetric Filling Instrument of accuracy class X (1) with brand name "PRISM" (herein referred to as the said Model), manufactured by M/s. Prism Packaging, Unit No. 15, Anupam Ind. Estate No. 2, Near P & T Colony, Mulund (W), Mumbai-80 and which is assigned the approval mark IND/09/07/197;



The said model is an automatic gravimetric filling instrument of accuracy class X (1) with maximum capacity of 5 kg. and minimum capacity of 100 g. The verification scale interval (d) is 1g with one filling point. The instrument operates on 230-Volts and 50-Hertz alternate current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with capacity in the range 100g. to 5kg. manufactured by the same manufacturer in accordance with the same principle, design accuracy and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (69)/2007]

R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 27 मई, 2008

का.आ. 1270.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इसे बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत:, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए मैसर्स जयनाथ सकेल, शिवाजी नगर, सावरकुण्डला-364 515, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "जे एस पी-02" शृंखला स्वत: सूचक, अस्वचालित, अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) के माडल का, जिसके ब्रांड का नाम "नोकिया" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/07/352 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ।

उक्त माडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है । इसकी अधिकतम क्षमता 1000 कि. ग्रा. है और न्यूनतम क्षमता 4 कि. ग्रा. है । सत्यापन मापमान अंतराल (ई) 200 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा । माडल को सीलबंद करने का एक प्रारूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित माडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k} या 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(124)/2007]

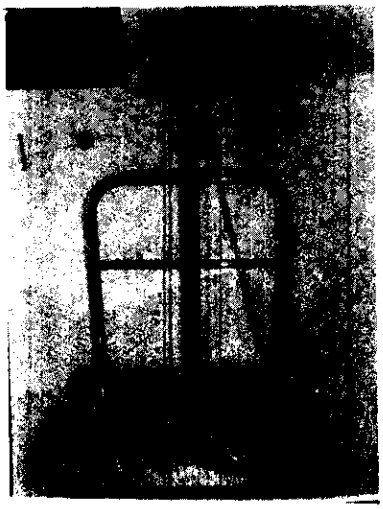
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 27th May, 2008

S.O. 1270.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self-indicating, non-automatic (Platform type) weighing instrument with digital indication of "JSP-02" series of medium accuracy (accuracy class-III) and with brand name "NOKIA" (herein referred to as the said model), manufactured by M/s. Jaynath Scale, Shivaji Nagar, Savarkundala-364 515, Gujarat and which is assigned the approval mark IND/09/07/352 ;

The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 1000kg and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50kg and up to 5000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of $1x10^k$, $2x10^k$ or $5x10^k$, k being a positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (124)/2007]

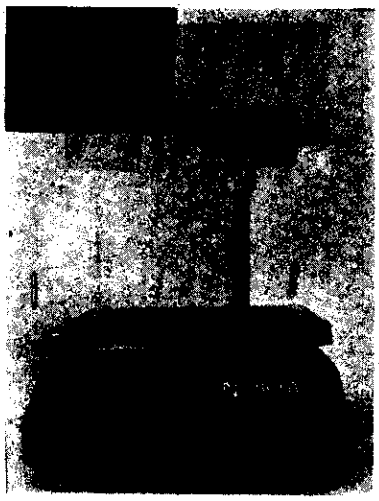
R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 27 मई, 2008

का.आ. 1271.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स जयनाथ स्केल, शिवाजी नगर, सावरकुण्डला-364 515 गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "जे एस टी-01" शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके जिसके ब्रांड का नाम "नोकिया" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/07/351 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित (टेबल टाप प्रकार) तोलन उपकरण है । इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है । सत्यापन मापमान अंतराल (ई) 5 ग्रा. है । उपकरण की पठनता (डी) 1 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



स्टांपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा । मॉडल को सीलबंद करने का एक प्रारूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k}, 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(124)/2007]

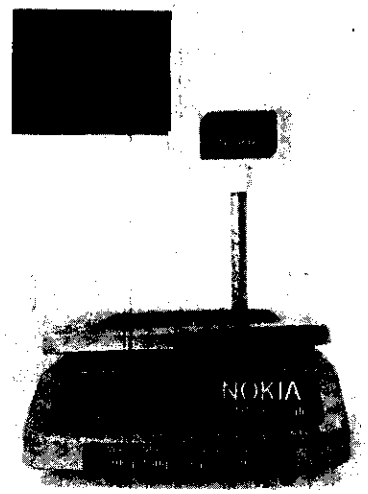
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 27th May, 2008

S.O. 1271.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic (Table top type) weighing instrument with digital indication of "JST-01" series of medium accuracy (accuracy class-III) and with brand name "NOKIA" (herein referred to as the said model), manufactured by M/s. Jaynath Scale, Shivaji Nagar, Savarkundala-364 515, Gujarat and which is assigned the approval mark IND/09/07/351;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30g and minimum capacity of 100g. The verification scale interval (e) is 5kg. The readability of the instrument (d) is 1kg. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 50 kg with verification scale interval(n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being a positive or nagative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

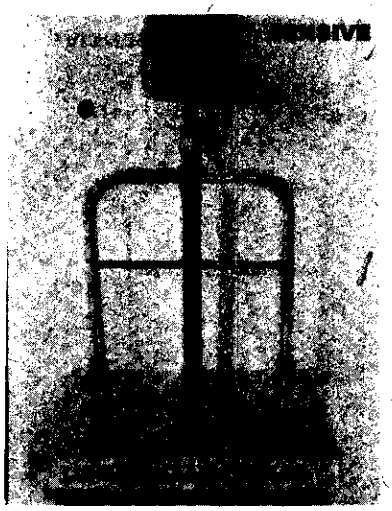
[F. No. WM-21 (124)/2007]

R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 27 मई, 2008

का.आ. 1272.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स लुहर वल्लभ त्रिकम, सावरकुण्डला, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) के "वी टी पी-02" शृंखला के स्वत: सूचक, अस्वचालित, अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) जिसके ब्रांड का नाम "सेंसिव" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/212 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है ।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है । इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 4 कि.ग्रा. है । सत्यापन मापमान अंतराल (ई) 200 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।

स्टॉपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k}, 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

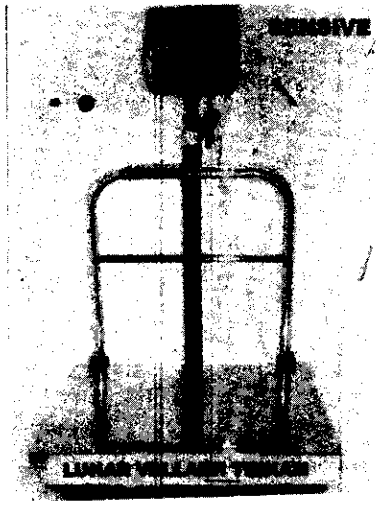
[फा. सं. डब्ल्यू एम-21(103)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 27th May, 2008

S.O. 1272.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self indicating, non-automatic, (Platform type) weighing instrument with digital indication of "VTP-2" series of medium accuracy (Accuracy class-III) and with brand name "SENSIVE" (herein referred to as the said model), manufactured by M/s. Luhar Vallabh Trikam, Savarkundala, Gujarat and which is assigned the approval mark IND/09/07/212;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 1000kg and minimum capacity of 4kg. The verification scale interval (e) is 200kg. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emiting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its materail, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instuments of same series with maximum capacity above 50 kg and up to 5000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of $1x10^k$, $2x10^k$ or $5x10^k$, k being the positive or nagative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

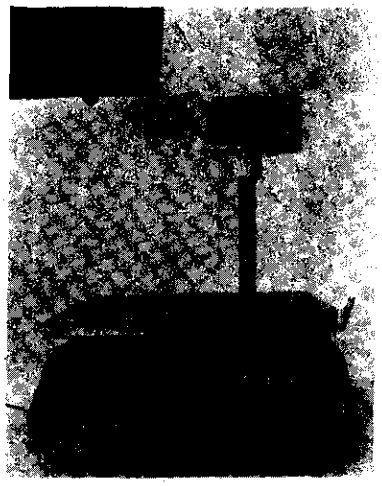
[F. No. WM-21 (103)/2007]

R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 27 मई, 2008

का.आ. 1273.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट तथा माप मानक अधिनियम, 1976 (1976 का 60) और बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स परफेक्ट स्केल कम्पनी, 273, गणेश पथ, पुणे, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "पीएसटी-01" शृंखला के अंकक सूचक सहित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम 'पेस्को' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/07/210 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है । इसकी अधिकतम क्षमता 30 किलो ग्राम और न्यूनतम क्षमता 100 ग्राम है । इसका सत्यापन मापमान अन्तराल 5 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है । लाईट इमिटिंग डायोड तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।

स्टार्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा और मॉडल को बिक्री के पूर्व या उपरांत इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धान्त आदि के रूप में कोई परिवर्तन न किया जा सके ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्राम के 'ई' मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्राम या उससे अधिक के 'ई' मान के लिए 500 से 10,000 की रेंज में सत्यापन मापमान अंतराल (एन) और सहित 50 किलोग्राम तक की अवधि क्षमता वाले हैं और 'ई' मान 1×10^{k}, 2×10^{k}, या 5×10^{k}, के हैं, धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

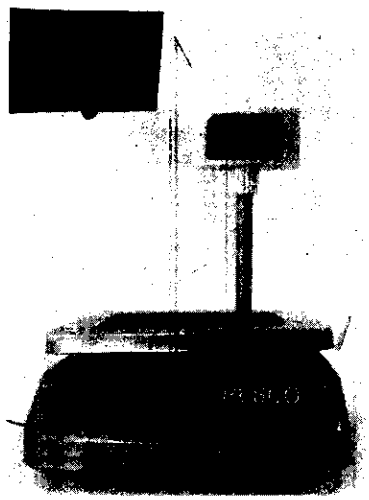
[फा. सं. डब्ल्यू एम-21(104)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 27th May, 2008

S.O. 1273.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic (Table top type) weighing instrument with digital indication of "PST-01" series of medium accuracy (accuracy class-III) and with brand name "PESCO" (herein referred to as the said model), manufactured by M/s. Perfect Scale Co., 273, Ganesh Peth, Pune, Maharashtra and which is assigned the approval mark IND/09/07/210;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with 100 percent subtractive retained tare effect. The Light Emiting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instuments of similar make, accuracy and performance of same series with maximum capacity upto 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of $1x10^k$, $2x10^k$ or $5x10^k$, k being a positive or nagative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the said approved model has been manufactured.

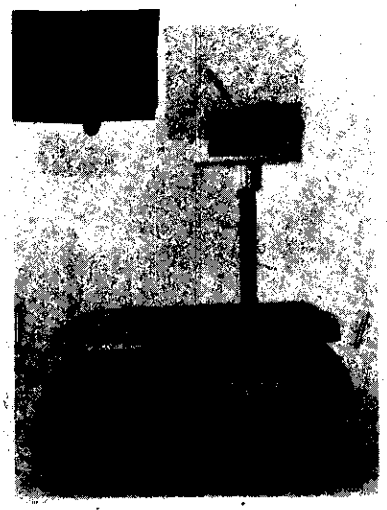
[F. No. WM-21 (104)/2007]

R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 27 मई, 2008

का.आ. 1274.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट तथा माप मानक अधिनियम, 1976 (1976 का 60) और बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए मैसर्स परफेक्ट स्केल कम्पनी, 273, गणेश पथ, पुणे, महाराष्ट्र द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग II) वाले "पीएसटी-02" शृंखला के अंकक सूचक सहित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम 'पेस्को' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/07/209 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालिक तोलन (टेबलटॉप प्रकार) है । इसकी अधिकतम क्षमता 30 किलो ग्राम और न्यूनतम क्षमता 100 ग्राम है । इसका सत्यापन मापमान अन्तराल 2 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । लाईट इमिटिंग डायोड तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है ।

स्टांपिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा और मॉडल को बिक्री के पूर्व या उपरांत इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धान्त आदि के रूप में कोई परिवर्तन न किया जा सके ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित माडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि. ग्रा. के 'ई' मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्राम या उससे अधिक के 'ई' मान के लिए 5000 से 50,000 की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k}, 5×10^{k}, के हैं, जहाँ पर 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

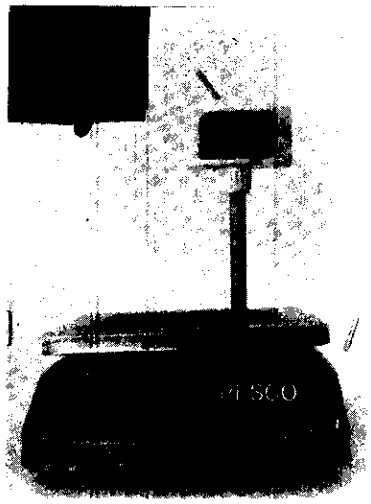
[फा. सं. डब्ल्यू एम-21(104)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 27th May, 2008

S.O. 1274.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Tabletop type) with digital indication of "PST-02" series of high accuracy (accuracy class-II) and with brand name "PESCO" (herein referred to as the said model), manufactured by M/s. Perfect Scale Co., 273, Ganesh Peth, Pune, Maharashtra and which is assigned the approval mark IND/09/07/209;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emiting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instuments of similar make and performance of same series with maximum capacity up to 50kg and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of $1x10^k$, $2x10^k$ or $5x10^k$, k being the positive or nagative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

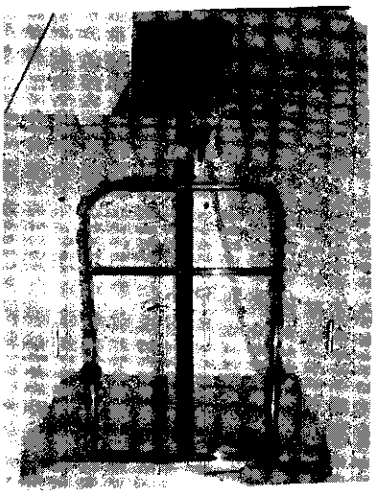
[F. No. WM-21 (104)/2007]

R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 27 मई, 2008

का.आ. 1275.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट तथा माप मानक अधिनियम, 1976 (1976 का 60) और बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए मैसर्स परफेक्ट स्केल कम्पनी, 273, गणेश पथ, पुणे, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "पीएसपी-03" शृंखला के स्वत: अंकक सूचक सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम 'पेस्को' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/07/211 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित तोलन अस्वचालित तोलन (प्लेटफार्म प्रकार) है । इसकी अधिकतम क्षमता 1000 किलो ग्राम और न्यूनतम क्षमता 4 किलो ग्राम है । इसका सत्यापन मापमान अन्तराल 200 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है । लाईट इमिटिंग डायोड तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।

स्टार्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा और मॉडल को बिक्री के पूर्व या उपरांत इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धान्त आदि के रूप में कोई परिवर्तन न किया जा सके ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के 'ई' मान के लिए 500 से 10,000 की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम से लेकर 5000 किलोग्राम तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^{k}, 2×10^{k}, या 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

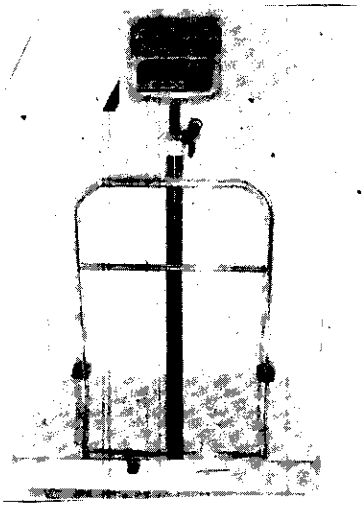
[फा. सं. डब्ल्यू एम-21(104)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 27th May, 2008

S.O. 1275.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self indicating, non-automatic, (Platform type) weighing instrument with digital indication of "PSP-03" series of medium accuracy (Accuracy class-III) and with brand name "PESCO" (herein referred to as the said model), manufactured by M/s. Perfect Scale Co., 273, Ganesh Peth, Pune, Maharashtra and which is assigned the approval mark IND/09/07/211;



The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 1000kg and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50kg. and up to 5000kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of $1x10^k$, $2x10^k$ or $5x10^k$, k being the positive or nagative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

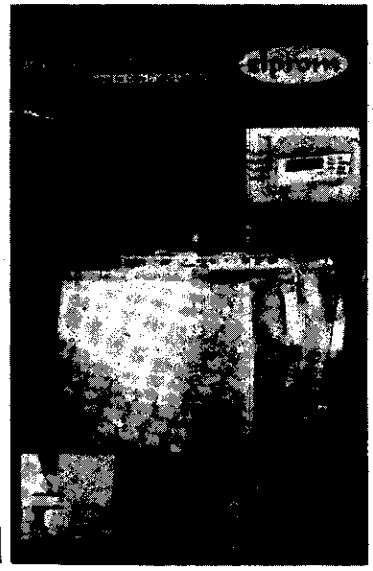
[F. No. WM-21 (104)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 27 मई, 2008

का.आ. 1276.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप धारा (7) और उपधारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स एल्ना इलैक्ट्रिक्ल इंडस्ट्रिज, गज्जर एस्टेट, नीयर जी डी हाई स्कूल, सैजपुर बोघा, नरोदा रोड, अहमदाबाद द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "ईटीएस" शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (इलैक्ट्रोनिक टैंक वेइंग स्केल) के मॉडल का, जिसके ब्रांड का नाम "एल्प्रोम" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन् चिह्न आई एन डी /09/07/332 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (इलैक्ट्रोनिक टैंक वेइंग स्केल तोलन उपकरण प्रकार) है । इसकी अधिकतम क्षमता 500 कि.ग्रा. है और न्यूनतम क्षमता 1 कि.ग्रा. है । सत्यापन मापमान अन्तराल (ई) 500 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।

स्टार्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धान्त आदि की शर्तों पर परिवर्तित नहीं किया जाएगा ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k}, 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(134)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 27th May, 2008

S.O. 1276.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic (Electronic tank weighing scale) weighing instrument with digital indication of "ETS" series of medium accuracy (accuracy class-III) and with brand name "ELPROM" (herein referred to as the said model), manufactured by M/s. Elna Electrical Industries, Gajjar Estate, Nr. G. D. High School, Saijpur Bogha, Naroda Road, Ahmedabad and which is assigned the approval mark IND/09/07/332;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic tank weighing scale) with a maximum capacity of 500kg. and minimum capacity of 1kg. The verification scale interval (e) is 500g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emiting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity in the range of 50kg. to 5000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being a positive or nagative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(134)/2007]

R. MATHURBOOTHAM, Director, Legal Metrology

भारतीय मानक ब्यूरो

नई दिल्ली, 27 मई, 2008

का.आ. 1277.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :–

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	IS 4117 : 2008 एल्कोहल डिनेचुरेन्टस-विशिष्टि (दूसरा पुनरीक्षण)	IS 4117 : 1973 अल्कोहल डिनेचुरेंट्स (प्रथम पुनरीक्षण)	मई 2008

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कायम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरूवनन्तापुरम में बिक्री हेतु उपलब्ध हैं ।

[संदर्भ : पीसीडी/जी-9]

डा. डी. के. चौधरी, वैज्ञा-एफ एवं प्रमुख (पेट्रोल, कोयला एवं सम्बन्धित उत्पाद)

BUREAU OF INDIAN STANDARDS

New Delhi, the 27th May, 2008

S.O. 1277.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule here to annexed have been establsihed on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & year of Indian Standards, if any, superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 4117:2008 Alcohol denaturants–Specification (Second Revision)	IS 4117:1973 Alcohol denaturants (First Revision)	May 2008

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolcatta Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: PCD/G-9]

Dr. D. K. CHAUDHURI, Sc. F and Head (PCD)

पेट्रोलियम और प्राकृतीक गैस मंत्रालय

नई दिल्ली, 23 मई, 2008

का. आ. 1278.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि तामिलनाडु राज्य में चेन्नै से कर्नाटक राज्य में बेंगलुरु तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और केंद्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उक्त भूमि में,जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है और जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए ;

अत: अब, केंद्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम,1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाईपलाईन बिछाने के संबंध में श्री आर. आर. जन्नु, सक्षम प्राधिकारी, इंडियन ऑयल कोर्पोरेशन लिमिटेड, पाइपलाइन डीवीजन, 719 भूतल फ्लोर, 4th क्रास, 7th मेन ,कल्याण नगर,1 ब्लाक,बेंगलुर-560043 कर्नाटक को लिखित रूप में भेज सकेगा ।

अनुसूची

तालूका : बंगारपेट	जिला : कोलार	राज्य : कर्नाटक			
गॉव का नाम	सर्वेक्षण सं/उप-खण्ड सं.	क्षेत्रफल			
		हेक्टर		एयर	वर्ग मीटर
1	2	3		4	5
मीठमल्लहल्ली	36	00		01	44
	37	00		00	90
	34	00		19	26
	33	00		22	68
	20	00		27	00
	21	00		07	15
	15	00		10	08
	3	00		25	20
	2	00		06	12
	75	00		05	04
	5	00		05	04
	72	00		00	90

1	2	3	4	5
	77	00	09	36
	76	00	03	40
	79	00	05	40
	80	00	10	80
	84	00	12	60
	81	00	16	92
	53	00	88	80

[फा. सं. आर-25011/8/2007-ओ.आर.-I]

एस. के. चिटकारा, अवर सचिव

Ministry of Petroleum and Natural Gas

New Delhi, the 23rd May, 2008

S. O. 1278.— Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Chennai in the State of Tamilnadu to Bangalore in the State of Karnataka, a pipeline should be laid by the Indian Oil Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri R.R Jannu, Competent Authority, Indian Oil Corporation Limited, Pipelines Division, 719 Ground Floor,4th Cross,7th Main,Kalyana Nagar,1st Block,Bangalore – 560043.(Karnataka)

SCHEDULE

Taluka:-Bangarpet	District:- Kolar	State :- Karnataka		
Nameof village	SurveyNo/Sub-division No	Area		
		Hectare	Are	Sq.mtr.
1	2	3	4	5
MITTAMANAHALLI	36	00	01	44
	37	00	00	90
	34	00	19	26
	33	00	22	68
	20	00	27	00
	21	00	07	15
	15	00	10	08
	3	00	25	20
	2	00	06	12
	75	00	05	04
	5	00	05	04
	72	00	00	90
	77	00	09	36
	76	00	03	40
	79	00	05	40
	80	00	10	80
	84	00	12	60
	81	00	16	92
	53	00	88	80

[F. No. R-25011/8/2007-O.R.-I]
S.K. CHITKARA, Under Secy.

नई दिल्ली. 23 मई. 2008

का. आ. 1279.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि तामिलनाडु राज्य में चेन्नै से कर्नाटक राज्य में बेंगलुरु तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और केंद्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उक्त भूमि में,जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है और जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए ;

अत: अब, केंद्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम,1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाईपलाईन बिछाने के संबंध में श्री आर. आर. जन्नु, सक्षम प्राधिकारी, इंडियन ऑयल कोर्पोरेशन लिमिटेड, पाइपलाइन डीवीजन, 719 भूतल फ्लोर, 4th क्रास, 7th मेन ,कल्याण नगर,1 ब्लाक,बेंगलुर-560043 कर्नाटक को लिखित रूप में भेज सकेगा ।

अनुसूची

तालूका : होसकोटे	जिला : बेंगलुरु रुरल	राज्य : कर्नाटक		
गाँव का नाम	सर्वेक्षण सं/उप-खण्ड सं.	क्षेत्रफल		
		हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5
देवरगोल्लहल्ली	23	00	01	00
	25	00	27	15
	24	00	25	81

[फा. सं. आर-25011/8/2007-ओ.आर.-I]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 23rd May, 2008

S. O. 1279.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Chennai in the State of Tamilnadu to Bangalore in the State of Karnataka, a pipeline should be laid by the Indian Oil Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri R.R Jannu, Competent Authority, Indian Oil Corporation Limited, Pipelines Division, 719 Ground Floor,4th Cross,7th Main,Kalyana Nagar,1st Block,Bangalore – 560043.(Karnataka)

SCHEDULE

Taluka : Hoskote	District : Bangalore Rural	State : Karnataka		
Nameof village	SurveyNo/Sub-division No	Area		
		Hectare	Are	Sq.mtr.
1	2	3	4	5
DEVRAGOLLAHALLY	23	00	01	00
	25	00	27	15
	24	00	24	81

[F. No. R-25011/8/2007-O.R.-I]
S.K. CHITKARA, Under Secy.

नई दिल्ली, 29 मई, 2008

का. आ. 1280.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उप-धारा (1) के अधीन जारी, भारत के राजपत्र, तारीख 27-06-2007 में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. संख्या 1864 तारीख 30-06-2007 द्वारा उस अधिसूचना से उपाबद्ध अनुसूची मंडल - गंगावरम, जिला चित्तूर, राज्य आन्ध्रप्रदेश में चेन्नै पेट्रोलियम कॉर्पोरेशन लिमिटेड, मनाली की रिफैनरी से देवनगुट्टि टर्मिनल, बैंगलुर तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कार्पोरेशन लिमिटेड, द्वारा पाइपलाइन बिछाने के उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां ता. 23-07-2007 को जनता को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से उपाबद्ध अनुसूचि में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाए;

अत:, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि पाइपलाइन बिछाने के लिए इस अधिसूचना से उपाबद्ध अनुसूचि में विनिर्दष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार, केन्द्रीय सरकार में निहित होने के बजाय में सभी विल्लंगमों से मुक्त होकर प्रकाशन की तारीख से इंडियन ऑयल कार्पोरेशन लिमिटेड निहित होगा ।

अनुसूची

मंडल : गंगावरम	जिला : चित्तूर				राज्य : आन्ध्रप्रदेश
गाँव का नाम	सर्वेक्षण सं-खण्ड सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मिटर
1	2	3	4	5	6
74, गंगावरम	343	3A	00	05	26
	343	3B/2	00	18	62
	369	2A	00	08	50
	345	C	00	11	74
	364	5A	00	11	74
	362	3B	00	12	55
	362	6	00	14	57
	362	4	00	19	43
	362	5D	00	11	34
	387	2	00	02	02
	522	-	00	08	10
	523	1	00	10	53
	524	1B	00	08	91
	524	3C	00	19	84
	524	4	00	13	77
	509	A	00	06	07
	509	B	00	05	67
	509	C	00	05	67
	508	A	00	06	07
	508	B	00	06	07
	508	C	00	05	67
	497	1A	00	04	45
	497	1C	00	04	45
	497	1D	00	04	05
	497	2	00	18	22
	497	4	00	12	96
	496	-	00	00	81
	495	2B	00	09	31
	495	2C	00	09	31
	494	3	00	09	31
	589	5B	00	16	19
	589	5C	00	12	55
	620	-	00	06	48
	618	1	00	14	57
	618	2	00	01	62
	617	1A	00	07	29
	617	1B	00	06	88
	629	2A	00	07	69
	614	2	00	02	83
	612	-	00	34	41
	607	1A	00	11	34
	607	1B	00	07	69
	607	2	00	02	43
	769	1A/1	00	00	40
	769	1A/2B	00	17	81

1	2	3	4	5	6
74, गंगावरम (क्रमश:...)	769	1A/3	00	18	22
	761	2	00	11	34
	761	3	00	09	72
	761	4A	00	06	07
	761	4B	00	05	67
	757	2C	00	03	24
	757	2D	00	03	64
	756	1A	00	06	88
	756	1B	00	06	88
	756	2	00	03	64
	756	3	00	03	64
	756	4	00	02	02
	756	5C	00	01	21
	744	-	00	16	19
	739	3B	00	18	22
	739	3C	00	18	22
	342	2	00	12	96
	341	-	00	17	41
	337	1	00	11	34
	337	2B	00	16	60
	316	1	00	13	36
	316	5	00	04	45
	316	2	00	21	46
	315	-	00	31	58
	139	-	00	08	50
	140	1	00	05	26
	140	2	00	12	96
	169	1	00	05	26
	169	2	00	08	91
	170	-	00	02	43
	168	-	00	27	13
	166	4	00	20	24
	166	8	00	17	41
	165	-	00	02	02
	177	-	00	22	67
	178	-	00	04	45
	179	1A	00	27	53

[फा. सं. आर-25011/5/2007-ओ.आर.-I]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 29th May, 2008

S. O. 1280.—Whereas by the notification of the Government of India. Ministry of Petroleum and Natural Gas. S.O Number 1864 dated 27-06-2007 under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right Of User in the land specified in the schedule relating to Mandal Gangavaram, District Chittoor, State Andhra Pradesh annexed to that notification for the purpose of laying pipeline for the transportation of Petroleum Product from Refinery of Chennai Petroleum Corporation Limited, Manali to Devanguthi Terminal, Bangalore, by the Indian Oil Corporation Limited.

And whereas, the copies of the said Gazette Notification were made available to the general public on 23-07-2007;

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that Right Of User in the land specified in the Schedule appended to this notification should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the Right Of User in the land specified in the Schedule annexed to this notification is hereby acquired for laying the pipeline.

And further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby direct that the Right Of User in the said land shall instead of vesting in the Central Government, vests from the date of publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Mandal : Gangavaram	**District : Chittoor**			**State : Andhra Pradesh**	
Name of the Village	Survey No.	Sub-Division No.	Area		
			Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
74, GANGAVARAM	343	3A	00	05	26
	343	3B/2	00	18	62
	369	2A	00	08	50
	345	C	00	11	74
	364	5A	00	11	74
	362	3B	00	12	55
	362	6	00	14	57
	362	4	00	19	43
	362	5D	00	11	34
	387	2	00	02	02
	522	-	00	08	10
	523	1	00	10	53
	524	1B	00	08	91
	524	3C	00	19	84
	524	4	00	13	77
	509	A	00	06	07
	509	B	00	05	67
	509	C	00	05	67
	508	A	00	06	07
	508	B	00	06	07
	508	C	00	05	67
	497	1A	00	04	45
	497	1C	00	04	45
	497	1D	00	04	05
	497	2	00	18	22
	497	4	00	12	96
	496	-	00	00	81
	495	2B	00	09	31
	495	2C	00	09	31
	494	3	00	09	31
	589	5B	00	16	19
	589	5C	00	12	55
	620	-	00	06	48

1	2	3	4	5	6
74, GANGAVARAM (Continued...)	618	1	00	14	57
	618	2	00	01	62
	617	1A	00	07	29
	617	1B	00	06	88
	629	2A	00	07	69
	614	2	00	02	83
	612	-	00	34	41
	607	1A	00	11	34
	607	1B	00	07	69
	607	2	00	02	43
	769	1A/1	00	00	40
	769	1A/2B	00	17	81
	769	1A/3	00	18	22
	761	2	00	11	34
	761	3	00	09	72
	761	4A	00	06	07
	761	4B	00	05	67
	757	2C	00	03	24
	757	2D	00	03	64
	756	1A	00	06	88
	756	1B	00	06	88
	756	2	00	03	64
	756	3	00	03	64
	756	4	00	02	02
	756	5C	00	01	21
	744	-	00	16	19
	739	3B	00	18	22
	739	3C	00	18	22
	342	2	00	12	96
	341	-	00	17	41
	337	1	00	11	34
	337	2B	00	16	60
	316	1	00	13	36
	316	5	00	04	45
	316	2	00	21	46
	315	-	00	31	58
	139	-	00	08	50
	140	1	00	05	26
	140	2	00	12	96
	169	1	00	05	26
	169	2	00	08	91
	170	-	00	02	43
	168	-	00	27	13
	166	4	00	20	24
	166	8	00	17	41
	165	-	00	02	02
	177	-	00	22	67
	178	-	00	04	45
	179	1A	00	27	53

[F. No. R-25011/5/2007-O.R.-I]
S.K. CHITKARA, Under Secy.

नई दिल्ली, 29 मई, 2008

का. आ. 1281.— केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उप-धारा (1) के अधीन जारी भारत के राजपत्र, तारीख 26.08.2007 - 01.09.2007 में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का आ. 2460 तारीख 24.08.2007 द्वारा उस अधिसूचना से संलग्न अनुसूची तालुका-मुलबागल , जिला कोलार, राज्य कर्नाटक में चेन्नै पेट्रोलियम कॉर्पोरेशन लिमिटेड, मनाली की रिफानरी से देवनगुंदि टर्मिनल, बैंगलुर तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कार्पोरेशन लिमिटेड, द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां ता. 18/12/2007 से जनता को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात ,यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूचि में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाए;

अत:, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि पाइपलाइन बिछाने के लिए इस अधिसूचना से संलग्न अनुसूचि मे विनिर्दष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाए, इंडियन ऑयल कोर्पोरेशन लिमिटेड चेन्नै में सभी विल्लंगमों से मुक्त होकर प्रकाशन की इस तारीख से निहित होगा ।

अनुसूची

तालूका : मुलबागल	जिला : कोलार	राज्य : कर्नाटक		
गाँव का नाम	सर्वेक्षण सं/उप-खण्ड सं.	क्षेत्रफल		
		हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5
कसबुगान्हल्लि	19	00	00	09
	20/पी1	00	32	18
	17/1	00	00	71
	17/2	00	02	28
	18	00	07	75
	20/पी2	00	08	03
	20/3ए	00	42	21
	20/3बी	00	13	68
	20/4	00	18	22
	20/5	00	15	64
	24/8	00	04	83
	24/9	00	01	70
	57	00	19	87
	22/पी1	00	64	78
	22/पी2	-	-	-

1	2	3	4	5
जियापल्ली	35	00	33	08
	34	00	21	38
	38	00	07	93
	42	00	73	65
	40	00	32	30
	41	00	11	31
	53	00	03	16
	54	00	06	33
	56	00	37	35
पायस्थान्हलि	34/पी2	00	08	75
	34/पी3	00	16	24
	34/पी4	00	01	95
	34/पी5	00	01	75
	34/पी6-पी1	00	10	33
	34/पी6-पी2	-	-	-
	34/पी7	-	-	-
	34/पी8	00	11	43
	34/पी9	00	11	28
	34/पी10	00	18	43
	34/पी13	00	40	08
	35	00	05	96
	36/पी1	00	07	00
रामचन्द्रपुरा	82/पी1	00	22	20
	82/पी24	00	00	83
	82/पी15	00	21	51
	82/पी21	00	15	44
	82/पी22	00	06	24
	82/पी23	00	21	98
	82/पी33	00	10	84
	82/पी39	00	03	50
	83	00	28	79
	93/2	00	20	03
	94	00	01	23
	37/पी1	00	16	69
	37/पी3	00	18	33
	37/पी4	00	17	85
	40	00	33	09
	42/1	00	07	42
	46/2	00	07	63
	46/1	00	01	79
	45	00	09	35
	44	00	01	45
	48/5	00	04	40

1	2	3	4	5
माइलापुरा	31	00	13	02
	29	00	10	42
	26/2	00	02	14
	30	00	06	81
काम्मासन्द्रा	11	00	18	92
	10	00	06	47
	9	00	04	88
	8	00	27	29
	66/2	00	15	14
	65	00	11	19
	63	00	11	06
	40/1	00	18	71
	40/2	00	18	69
	39	00	00	76
	35/2	00	11	71
पुल्लोबारेड्डीहल्लि	55	00	19	75
	50	00	33	96
	54	00	02	59
	51	00	03	98
	72	00	20	25
	74	00	00	09
	37	00	96	01
चिक्कागुड्डाहल्लि	17	00	16	61
	18/2	00	19	55
	19/1	00	03	79
	13	00	11	67
	20/पी2	00	14	24
	20/पी1	00	06	17
	21/2	00	00	67
	21/3	00	09	52
	21/4	00	10	05
	21/5	00	01	23
	2	00	10	71
	35/पी1	00	00	09
	35/पी2	00	03	31
	35/पी3	00	06	28
	34/पी1	00	10	99
	34/पी2	00	07	37
	34/पी3	00	00	09
	32	00	16	95
	31	00	10	78
	30/1	00	13	13
डोड्डागुड्डाहल्लि	17/पी5	00	12	03
कृष्णापुरा	2	00	11	85
	3	00	24	29
	4	00	07	09
	5	00	29	92
	6	00	17	29

1	2	3	4	5
क्रिष्णापुरा निरन्तर..	7	00	04	38
	8	00	28	96
	9	00	20	33
वज्रनागेनाहल्लि	41/पी1	00	18	57
	41/पी2	00	15	96
	23	00	03	29
	39/2	00	13	88
	40	00	02	84
	43	00	49	96
	56	00	05	89
	57	00	42	03
जाथमंगलाअग्रहरा	94/पी4	00	30	76
	94/पी5	00	24	58
	94/पी11	00	18	68
	94/पी31	00	14	30
	94/पी47	00	14	35
	94/पी35	00	22	17
	94/पी36	00	07	67
	94/पी43	00	13	04
	94/पी45	00	31	79
	93/पी2	00	13	85
	93/1	00	11	47
	93/पी9	00	33	70
डोम्मासन्द्रा	10/पी2	00	16	08
सगोंडाहल्लि	60/पी1	00	22	99
	60/पी2	00	20	63
	60/पी11	00	20	46
	60/पी20	00	16	53
	60/पी41	00	16	10
	60/पी53	00	21	06
	60/पी59	00	19	18
	60/पी58	00	23	52
	75	00	03	81
	77/1	00	16	51
	77/2	00	06	30
कीलागाणी	141/पी1	00	27	04
	141/पी34	00	03	66
	218	00	21	37
	184/3	00	00	09
	185/2	00	19	10

1	2	3	4	5
कीलागाणी निरन्तर...	184/1	00	23	45
	185/1	00	00	25
	193	00	26	90
	202	00	11	82
	203	00	02	08
	201	00	10	45
	199/4	00	01	74
	199/3	00	12	74
	199/2	00	00	24
	205/5	00	13	10
	205/1	00	11	15
	2	00	14	30
	4/4	00	05	64
	4/2	00	05	40
	4/3	00	00	09
	5	00	12	93
	6/2	00	00	32
	6/3	00	10	84
	6/5	00	18	27
	7/2	00	02	05
	12	00	28	19
	19	00	04	91
	20	00	00	48
	18	00	01	07
	21	00	06	82
	22	00	18	94
	99	00	12	35
	100/3	00	00	16
	100/2	00	00	15
	98	00	00	31
	97	00	04	97
	96	00	00	61
	29/4	00	01	85
	31/4	00	07	20
	31/3	00	00	54
	31/5ए 31/5बी	00 -	02 -	45 -
	34	00	06	14
	31/2	00	00	39
	33	00	07	35
मेलागाणी	34/3	00	00	73
	34/4	00	00	48
	35	00	00	48
	38	00	06	17
	37/4	00	00	94
	37/3	00	01	96
	37/2	00	02	27

1	2	3	4	5
मेलागाणी निरन्तर...	37/5	00	03	21
	37/1	00	01	14
	39	00	07	36
	28/4	00	00	85
	28/5	00	04	85
	28/1	00	01	86
	40/2	00	00	07
	40/1	00	03	91
	28	00	00	07
	26/1	00	04	53
	26/2	-	-	-
	71/2	00	08	76
	71/1	00	03	98
	71/3	00	02	71
	73	00	14	84
	77/1	00	00	11
	77/3	00	16	10
	77/2	00	12	58
	78	00	14	76
	79/1	00	01	05
	81/2	00	01	89
	81/3	00	08	98
	81/4	00	18	21
	82/2	00	00	25
	83/2	00	14	13
	84	00	14	88
	85/1	00	03	37
	86	00	14	81
	87	00	12	73
	89	00	00	22
	88/1	00	17	51
	88/2	00	04	09
	149	00	18	91
	145/2	00	01	83
पडाकास्ति	4/1	00	20	32
	80	00	28	52
	82	00	07	66
	79	00	09	82
	78/1	00	34	61
	78/2	-	-	-
	77/1	00	09	24
	77/2	-	-	-
	69/1	00	17	35
	69/2	00	22	69

1	2	3	4	5
पडाकास्ति निरन्तर...	69/4	00	21	34
	70	00	09	72
	71	00	40	86
कन्नथा	42/1ए	00	40	50
	42/1बी	-	-	-
	42/2ए	-	-	-
	42/2बी	-	-	-
	40/2	00	11	16
कुरुबा चन्दुमनाहल्लि	44	00	00	04
	318	00	13	50
	46/1	00	00	46
	46/2	-	-	-
	47/1	00	09	53
	43	00	21	60
	71	00	02	73
	74	00	24	48
	93	00	09	00
	89	00	01	40
	90	00	14	94
	91	00	07	74
	64	00	03	24
कुरुबा चन्दुमनाहल्लि निरन्तर...	2/2	00	00	18
	65/2	00	16	92
	66	00	07	38
	67/2	00	01	54
	72	00	09	90
	37	00	02	80
	49	00	07	49
	50/2	00	07	43
	52/1	00	15	16
	52/2	00	06	64
	51	00	11	33
	2/1	00	00	12
	87/1	00	07	07
	87/2	00	11	25
	86/1	00	01	48
	86/2	00	16	21
	85	00	00	13
बल्लाअग्रहरा	76	00	17	83
	80/1	00	01	95
	80/10	00	37	28
	60/11	00	23	44
	76	00	28	05
	79	00	08	55

1	2	3	4	5
चन्नापुरा	31/2	00	01	72
	31/1	00	09	18
	29/2	00	12	42
	29/1	00	10	74
	28	00	23	14
	133	00	07	94
	120/2पी	00	00	23
	120/3	00	07	55
	119/2	00	05	82
	119/1	00	22	81
	118	00	23	77
	105/1पी	00	18	17
	122	00	50	34
	115/पी1	00	21	17
	115/पी2	00	30	53
	147	00	02	20
येडाहल्लि	57/पी1	00	00	77
	60/2बी	00	23	95
	60/2ए-पी1	00	16	89
	60/2ए-पी2	-	-	-
	62/3	00	07	55
	61	00	27	46
	67/पी2	00	11	53
	67/पी3	00	11	65
	67/पी4	00	22	45
	67/पी5	00	00	47
	87	00	02	12
	88	00	11	54
	106	00	08	72
	105/पी1	00	06	43
	105/पी2	-	-	-
	90	00	16	84
	86	00	12	37
	75	00	33	55
	76/4	00	06	40
चित्थेरी	66/पी2	00	12	06
	88	00	18	86
	65/पी2	00	20	52
	63	00	00	13
	58	00	05	04
	57	00	23	78
	56/3	00	02	63
	56/1	00	17	38

1	2	3	4	5
चित्थेरी निरन्तर...	56/2	00	02	46
	80	00	10	02
	55/5	00	00	18
	55/6	00	03	38
	55/7	00	05	74
	55/8	00	05	37
	5	00	07	68
	53/1	00	26	96
	53/2	00	06	01
	53/4	00	00	40
	86	00	14	07
	40	00	06	45
उरकुंटेमिड्डुरु	47	00	07	04
	45/1	00	09	03
	45/2	00	05	44
	44	00	18	77
	35/1	00	13	80
	34/10	00	01	17
	34/15	00	11	72
	18/1पी1	00	05	02
	18/1पी2	00	08	32
	16/2	00	02	79
	16/3	00	03	15
	16/4	00	03	45
	18/5	00	04	28
	18/9	00	00	09
	12	00	12	42
	11/2	00	01	22
	11/3	00	05	37
	10/5	00	03	39
	10/6	00	00	07
	9/1	00	18	97
	9/2	00	02	78
	8	00	13	43
	7	00	04	32
	5/1	00	19	81
	8	00	04	44
	350/2	00	08	81
	350/1	00	00	81
	351	00	04	94
	349	00	03	05
	329/1ए	00	02	62
	333	00	15	72

1	2	3	4	5
उरकुंटेमिड्डुरु निरन्तर...	334	00	02	00
	335	00	08	38
	337	00	06	98
	259/2	00	04	36
	259/5	00	00	12
	259/6	00	00	09
	259/7	00	03	76
	259/6	00	00	94
	258/4	00	02	62
	258/3	00	00	84
	261/3	00	00	66
	281/2	00	02	64
	261/1	00	04	17
	257/4	00	01	06
	257/5	00	00	78
	257/1	00	00	68
	220	00	00	09
	263/1	00	02	43
	216	00	13	16
	217/2	00	05	72
	219	00	13	49
	223/2	00	03	16
	214	00	11	20
	212	00	03	45
	211/1	00	10	16
	211/2	00	00	20
	46/1	00	15	12
	48/2	00	23	76
आवलमारक्कालागड्डा	42	00	06	65
	41/1	00	07	66
	41/2	00	00	07
	28/2	00	16	15
	39	00	06	97
	40	00	05	59
	34	00	23	09
	32/1	00	04	39
	32/2	00	01	50

1	2	3	4	5
आवलमारक्कालागट्टा निरन्तर...	32/3	00	02	66
	31/2	00	00	77
	31/3	00	00	61
	31/5	00	01	19
	31/4	00	01	33
	30	00	21	52
	3/2	00	03	10
	3/1	00	00	96
	4/2	00	02	59
	4/1	00	13	31
	23/पी5	00	03	06
	23/पी6	00	06	36
	5	00	02	05
	6	00	00	92
	7	00	09	42
	21/1	00	06	77
	20/2	00	14	23
	20/1	00	02	59
	19/1	00	09	94
	19/2	00	07	60
	14/1	00	00	69
	16/2	00	10	96
	16/1	00	10	90
	15/2	00	06	05
	23	00	21	25
	15/1	00	07	42
मिणिजेनहल्लि	17/2	00	00	36
	18/1	00	13	25
	18/2	00	17	43
	16/3	00	24	89
	19/2	00	00	92
	20/2	00	01	07
	20/3	00	01	58
	20/4	00	01	42
	20/7	00	01	90
	27/2	00	02	70
	27/3	00	02	59

1	2	3	4	5
गिणिजेनहल्लि निरन्तर...	27/4	00	02	44
	27/5	00	03	73
	27/6	00	05	60
	31/1	00	01	83
	31/2	00	03	01
	31/3	00	03	78
	32/1	00	02	02
	32/2	00	02	25
	32/3	00	03	43
	36/1	00	04	32
	36/2	00	01	03
	36/3	00	00	28
	35	00	04	34
	33/2	00	01	50
	39/7	00	00	28
	40	00	29	51
	81	00	11	04
	82/7	00	03	68
	83/3	00	12	61
	83/2	00	10	33
	84/6	00	07	25
	87/1	00	05	08
	85/7	00	05	67
	85/6	00	03	83
	85/5	00	02	82
	85/4	00	00	74
	86/4	00	03	85
	86/3	00	04	48
	86/2	00	10	06
	86/1	00	11	21
	117	00	06	29
	116/2	00	08	16
	115	00	01	80
	128/2	00	32	50
	128/3	-	-	-
	128/5	-	-	-
	129/1	00	00	50
	129/2	00	13	50
	130/पी1	00	10	19
	130/पी2	-	-	-
	134/1	00	00	55
	134/2	00	07	51
	134/3	00	09	44
	133/5	00	00	67
	133/1	00	07	64

1	2	3	4	5
मिणिजेनहल्लि निरन्तर...	133/2पी1 }	00	03	02
	133/2पी2 }	-	-	-
	133/3	00	01	59
बन्डहल्लि	122	00	10	80
	4	00	27	36
	5	00	10	08

[फा. सं. आर-25011/8/2007-ओ.आर.-I]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 29th May, 2008

S. O. 1281.—Whereas by the notification of the Government of India. Ministry of Petroleum and Natural Gas. S.O. 2460 dated 24-08-2007 under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the land specified in the Schedule relating to Taluk Mulbagal, District Kolar, State Karnataka annexed to that notification for the purpose of laying pipeline for the transportation of Petroleum Product from Refinery of Chennai Petroleum Corporation Limited, Manali to Devanagonthi Terminal, Bangalore, by the Indian Oil Corporation Limited.

And whereas, the copies of the said Gazette Notification were made available to the general public on date of 18/12/2007 ;

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that right of user in the land specified in the Schedule appended to this notification should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act. the Central Government hereby declares that the right of user in the land specified in the Schedule annexed to this notification is hereby acquired for laying the pipeline.

And further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act. the Central Government hereby direct that the right of user in the said land shall instead of vesting in the Central Government, vests from the date of the publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Taluk : Mulbagal	District : Kolar	State : Karnataka		
Name of the village	SurveyNo/Sub-division No	Area		
		Hectare	Are	Sq.mtr.
1	2	3	4	5
KASAVUGANAHALLY	19	00	00	09
	20/P1	00	32	18
	17/1	00	00	71
	17/2	00	02	26
	16	00	07	75
	20/P2	00	08	03
	20/3A	00	42	21
	20/3B	00	13	68
	20/4	00	16	22
	20/5	00	15	64
	24/8	00	04	83
	24/9	00	01	70
	57	00	19	87
	22/P1	00	64	76
	22/P2	-	-	-
JIYAPALLE	35	00	33	08
	34	00	21	38
	38	00	07	93
	42	00	73	65
	40	00	32	30
	41	00	11	31
	53	00	03	16
	54	00	06	33
	56	00	37	35
PAYASTHANAHALLI	34/P2	00	08	75
	34/P3	00	16	24
	34/P4	00	01	95
	34/P5	00	01	75
	34/P6-P1	00	10	33
	34/P6-P2	-	-	-
	34/P7	-	-	-
	34/P8	00	11	43

1	2	3	4	5
PAYASTHANAHALLI (Contd...)	34/P9	00	11	26
	34/P10	00	18	43
	34/P13	00	40	08
	35	00	05	96
	36/P1	00	07	00
RAMACHANDRAPURA	82/P1	00	22	20
	82/P24	00	00	83
	82/P15	00	21	51
	82/P21	00	15	44
	82/P22	00	06	24
	82/P23	00	21	98
	82/P33	00	10	84
	82/P39	00	03	50
	83	00	26	79
	93/2	00	20	03
	94	00	01	23
	37/P1	00	16	69
	37/P3	00	18	33
	37/P4	00	17	85
	40	00	33	09
	42/1	00	07	42
	46/2	00	07	63
	46/1	00	01	79
	45	00	09	35
	44	00	01	45
	48/5	00	04	40
MAILAPURA	31	00	13	02
	29	00	10	42
	26/2	00	02	14
	30	00	06	81
KAMMASANDRA	11	00	18	92
	10	00	06	47
	9	00	04	68
	8	00	27	29
	66/2	00	15	14
	65	00	11	19

1	2	3	4	5
KAMMASANDRA (Contd...)	63	00	11	06
	40/1	00	18	71
	40/2	00	18	69
	39	00	00	76
	35/2	00	11	71
PULLOBAREDDYHALLI	55	00	19	75
	50	00	33	96
	54	00	02	59
	51	00	03	98
	72	00	20	25
	74	00	00	09
	37	00	96	01
CHIKKAGUTTAHALLI	17	00	16	61
	18/2	00	19	55
	19/1	00	03	79
	13	00	11	67
	20/P2	00	14	24
	20/P1	00	06	17
	21/2	00	00	87
	21/3	00	09	52
	21/4	00	10	05
	21/5	00	01	23
	2	00	10	71
	35/P1	00	00	09
	35/P2	00	03	31
	35/P3	00	06	28
	34/P1	00	10	99
	34/P2	00	07	37
	34/P3	00	00	09
	32	00	16	95
	31	00	10	78
	30/1	00	13	13
DODDAGUTTAHALLI	17/P5	00	12	03
KRISHNAPURA	2	00	11	85
	3	00	24	29
	4	00	07	09
	5	00	29	92
	6	00	17	29

1	2	3	4	5
KRISHNAPURA (Contd...)	7	00	04	38
	8	00	28	96
	9	00	20	33
VAJRANAGENAHALLI	41/P1	00	18	57
	41/P2	00	15	96
	23	00	03	29
	39/2	00	13	68
	40	00	02	64
	43	00	49	96
	56	00	05	89
	57	00	42	03
JATHAMANGALAAGRAHARA	94/P4	00	30	76
	94/P5	00	24	58
	94/P11	00	18	68
	94/P31	00	14	30
	94/P47	00	14	35
	94/P35	00	22	17
	94/P36	00	07	67
	94/P43	00	13	04
	94/P45	00	31	79
	93/P2	00	13	85
	93/1	00	11	47
	93/P9	00	33	70
DOMMASANDRA	10/P2	00	16	08
SANGODAHALLI	60/P1	00	22	99
	60/P2	00	20	63
	60/P11	00	20	46
	60/P20	00	16	53
	60/P41	00	16	10
	60/P53	00	21	06
	60/P59	00	19	18
	60/P58	00	23	52
	75	00	03	81
	77/1	00	16	51
	77/2	00	06	30
KEELAGANI	141/P1	00	27	04
	141/P34	00	03	66
	218	00	21	37
	184/3	00	00	09
	185/2	00	19	10

1	2	3	4	5
KEELAGANI (Contd...)	184/1	00	23	45
	185/1	00	00	25
	193	00	26	90
	202	00	11	82
	203	00	02	08
	201	00	10	45
	199/4	00	01	74
	199/3	00	12	74
	199/2	00	00	24
	205/5	00	13	10
	205/1	00	11	15
	2	00	14	30
	4/4	00	05	64
	4/2	00	05	40
	4/3	00	00	09
	5	00	12	93
	6/2	00	00	32
	6/3	00	10	84
	6/5	00	18	27
	7/2	00	02	05
	12	00	28	19
	19	00	04	91
	20	00	00	48
	18	00	01	07
	21	00	06	82
	22	00	18	94
	99	00	12	35
	100/3	00	00	16
	100/2	00	00	15
	98	00	00	31
	97	00	04	97
	96	00	00	61
	29/4	00	01	85
	31/4	00	07	20
	31/3	00	00	54
	31/5A 31/5B	00 -	02 -	45 -
	34	00	06	14
	31/2	00	00	39

1	2	3	4	5
KEELAGANI (Contd...)	33	00	07	35
MELAGANI	34/3	00	00	73
	34/4	00	00	48
	35	00	00	48
	38	00	06	17
	37/4	00	00	94
	37/3	00	01	96
	37/2	00	02	27
	37/5	00	03	21
	37/1	00	01	14
	39	00	07	36
	28/4	00	00	85
	28/5	00	04	85
	28/1	00	01	86
	40/2	00	00	07
	40/1	00	03	91
	28	00	00	07
	26/1 }	00	04	53
	26/2 }	-	-	-
	71/2	00	08	76
	71/1	00	03	98
	71/3	00	02	71
	73	00	14	84
	77/1	00	00	11
	77/3	00	16	10
	77/2	00	12	58
	78	00	14	76
	79/1	00	01	05
	81/2	00	01	89
	81/3	00	08	98
	81/4	00	18	21
	82/2	00	00	25
	83/2	00	14	13
	84	00	14	88
	85/1	00	03	37
	86	00	14	81
	87	00	12	73

1	2	3	4	5
MELAGANNI (Contd...)	89	00	00	22
	88/1	00	17	51
	88/2	00	04	09
	149	00	18	91
	145/2	00	01	83
PADAKASTI	4/1	00	20	32
	80	00	28	52
	82	00	07	66
	79	00	09	82
	78/1	00	34	61
	78/2	-	-	-
	77/1	00	09	24
	77/2	-	-	-
	69/1	00	17	35
	69/2	00	22	69
	69/4	00	21	34
	70	00	09	72
	71	00	40	86
KANNATHA	42/1A	00	40	50
	42/1B	-	-	-
	42/2A	-	-	-
	42/2B	-	-	-
	40/2	00	11	16
KURUBA CHANDUMANAHALLI	44	00	00	04
	318	00	13	50
	46/1	00	00	46
	46/2	-	-	-
	47/1	00	09	53
	43	00	21	60
	71	00	02	73
	74	00	24	48
	93	00	09	00
	89	00	01	40
	90	00	14	94
	91	00	07	74
	64	00	03	24

1	2	3	4	5
KURUBA CHANDUMANAHALLI	2/2	00	00	18
(Contd...)	65/2	00	16	92
	66	00	07	38
	67/2	00	01	54
	72	00	09	90
	37	00	02	80
	49	00	07	49
	50/2	00	07	43
	52/1	00	15	16
	52/2	00	06	64
	51	00	11	33
	2/1	00	00	12
	87/1	00	07	07
	87/2	00	11	25
	86/1	00	01	48
	86/2	00	16	21
	85	00	00	13
BALLAAGRAHARA	76	00	17	83
	80/1	00	01	95
	80/10	00	37	28
	80/11	00	23	44
	78	00	28	05
	79	00	08	55
CHANNAPURA	31/2	00	01	72
	31/1	00	09	18
	29/2	00	12	42
	29/1	00	10	74
	28	00	23	14
	133	00	07	94
	120/2P	00	00	23
	120/3	00	07	55
	119/2	00	05	82
	119/1	00	22	81
	118	00	23	77
	105/1P	00	18	17
	122	00	50	34

1	2	3	4	5
CHANNAPURA (Contd...)	115/P1	00	21	17
	115/P2	00	30	53
	147	00	02	20
YEDAHALLI	57/P1	00	00	77
	60/2B	00	23	95
	60/2A-P1	00	16	89
	60/2A-P2	-	-	-
	62/3P	00	07	55
	61	00	27	46
	67/P2	00	11	53
	67/P3	00	11	65
	67/P4	00	22	45
	67/P5	00	00	47
	87	00	02	12
	88	00	11	54
	106	00	08	72
	105/P1	00	06	43
	105/P2	-	-	-
	90	00	16	84
	86	00	12	37
	75	00	33	55
	76/4	00	06	40
CHITTHERI	66/P2	00	12	06
	88	00	18	86
	65/P2	00	20	52
	63	00	00	13
	58	00	05	04
	57	00	23	78
	56/3	00	02	63
	56/1	00	17	38
	56/2	00	02	46
	80	00	10	02
	55/5	00	00	18
	55/6	00	03	36
	55/7	00	05	74
	55/8	00	05	37
	5	00	07	68

1	2	3	4	5
CHITTHERI (Contd...)	53/1	00	26	96
	53/2	00	06	01
	53/4	00	00	40
	86	00	14	07
	40	00	06	45
URAKUNTEMITTURU	47	00	07	04
	45/1	00	09	03
	45/2	00	05	44
	44	00	18	77
	35/1	00	13	80
	34/10	00	01	17
	34/15	00	11	72
	16/1P1	00	05	02
	16/1P2	00	08	32
	16/2	00	02	79
	16/3	00	03	15
	16/4	00	03	45
	16/5	00	04	26
	16/9	00	00	09
	12	00	12	42
	11/2	00	01	22
	11/3	00	05	37
	10/5	00	03	39
	10/6	00	00	07
	9/1	00	16	97
	9/2	00	02	76
	8	00	13	43
	7	00	04	32
	5/1	00	19	81
	6	00	04	44
	350/2	00	06	61
	350/1	00	00	61
	351	00	04	94
	349	00	03	05
	329/1A	00	02	62
	333	00	15	72

1	2	3	4	5
URAKUNTEMITTURU (Contd...)	334	00	02	00
	335	00	08	38
	337	00	06	98
	259/2	00	04	36
	259/5	00	00	12
	259/6	00	00	09
	259/7	00	03	78
	259/8	00	00	94
	258/4	00	02	62
	258/3	00	00	84
	261/3	00	00	66
	261/2	00	02	64
	261/1	00	04	17
	257/4	00	01	06
	257/5	00	00	78
	257/1	00	00	88
	220	00	00	09
	263/1	00	02	43
	218	00	13	16
	217/2	00	05	72
	219	00	13	49
	223/2	00	03	16
	214	00	11	20
	212	00	03	45
	211/1	00	10	16
	48/1	00	15	12
	48/2	00	23	76
	211/2	00	00	20
AVALAMARAKALAGATTA	42	00	06	65
	41/1	00	07	66
	41/2	00	00	07
	28/2	00	16	15
	39	00	08	97
	40	00	05	59
	34	00	23	09
	32/1	00	04	39
	32/2	00	01	50

1	2	3	4	5
AVALAMARAKALAGATTA	32/3	00	02	66
(Contd...)	31/2	00	00	77
	31/3	00	00	61
	31/5	00	01	19
	31/4	00	01	33
	30	00	21	52
	3/2	00	03	10
	3/1	00	00	96
	4/2	00	02	59
	4/1	00	13	31
	23/P5	00	03	06
	23/P6	00	06	36
	5	00	02	05
	6	00	00	92
	7	00	09	42
	21/1	00	08	77
	20/2	00	14	23
	20/1	00	02	59
	19/1	00	09	94
	19/2	00	07	80
	14/1	00	00	69
	16/2	00	10	96
	16/1	00	10	90
	15/2	00	08	05
	15/1	00	07	42
	23	00	21	25
MINIJENAHALLI	17/2	00	00	38
	18/1	00	13	25
	18/2	00	17	43
	18/3	00	24	89
	19/2	00	00	92
	20/2	00	01	07
	20/3	00	01	58
	20/4	00	01	42
	20/7	00	01	90
	27/2	00	02	70
	27/3	00	02	59

1	2	3	4	5
MINIJENAHALLI (Contd....)	27/4	00	02	44
	27/5	00	03	73
	27/6	00	05	60
	31/1	00	01	83
	31/2	00	03	01
	31/3	00	03	78
	32/1	00	02	02
	32/2	00	02	25
	32/3	00	03	43
	36/1	00	04	32
	36/2	00	01	03
	36/3	00	00	28
	35	00	04	34
	33/2	00	01	50
	39/7	00	00	28
	40	00	29	51
	81	00	11	04
	82/7	00	03	68
	83/3	00	12	61
	83/2	00	10	33
	84/6	00	07	25
	87/1	00	05	08
	85/7	00	05	67
	85/6	00	03	83
	85/5	00	02	82
	85/4	00	00	74
	86/4	00	03	85
	86/3	00	04	48
	86/2	00	10	06
	86/1	00	11	21
	117	00	06	29
	116/2	00	08	16
	115	00	01	80
	128/2	00	32	50
	128/3	-	-	-
	128/5	-	-	-
	129/1	00	00	50
	129/2	00	13	50
	130/P1	00	10	19
	130/P2	-	-	-
	134/1	00	00	55
	134/2	00	07	51
	134/3	00	09	44
	133/5	00	00	67
	133/1	00	07	64

1	2	3	4	5
MINIJENAHALLI (Contd....)	133/2P1 }	00	03	02
	133/2P2 }	-	-	-
	133/3	00	01	59
BANDAHALLI	122	00	10	80
	4	00	27	36
	5	00	10	08

[F. No. R-25011/8/2007-O.R.-I]
S.K. CHITKARA, Under Secy.

नई दिल्ली, 29 मई, 2008

का. आ. 1282.—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उप-धारा (1) के अधीन जारी भारत के राजपत्र, तारीख 26.08.2007 - 01.09.2007 में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का आ. 2461 तारीख 24.08.2007 द्वारा उस अधिसूचना से संलग्न अनुसूची तालुका-बंगारपेट, जिला कोलार, राज्य कर्नाटक में चेन्नै पेट्रोलियम कॉर्पोरेशन लिमिटेड, मनाली की रिफैनेरी से देवनगुट्टि टॉर्मिनल, बैंगलुर तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कार्पोरेशन लिमिटेड, चेन्नै द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी.

और उक्त राजपत्र अधिसूचना की प्रतियां ता. 18/12/2007 से जनता को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने ,उक्त रिपोर्ट पर विचार करने के पश्चात, यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूचि में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाए;

अत:, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि पाइपलाइन बिछाने के लिए इस अधिसूचना से संलग्न अनुसूचि मे विनिर्दष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाए, इंडियन ऑयल कोर्पोरेशन लिमिटेड चेन्नै में सभी विल्लंगमों से मुक्त होकर प्रकाशन की इस तारीख से निहित होगा ।

अनुसूची

तालूका : बंगारपेट	जिला : कोलार	राज्य : कर्नाटक		
गॉव का नाम	सर्वेक्षण सं/उप-खण्ड सं.	क्षेत्रफल		
		हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5
जयमंगला	11/2	00	06	03
	11/3	00	03	02
	11/1	00	02	67
	11/11	00	06	76
	11/10	00	00	52
	9/4	00	08	64
	9/5	00	10	94
	7/3	00	00	80
	7/2	00	11	21
	7/1	00	04	27
	8	00	01	28
	5	00	14	19
	6/2	00	06	14
	6/1	00	00	49
	3/3	00	04	02
	1/8	00	01	06
	1/7	00	01	54
	1/6	00	01	60
	1/3	00	02	05
	1/2	00	04	69
	1/1	00	05	91
	153/1	00	04	97
	153/2	00	05	20
	153/3	00	05	32
	153/4	00	04	14
	148/5	00	05	04
	148/4	00	04	46
	148/2	00	07	89
	147/5	00	02	56
	147/4	00	02	01
	147/3	00	02	32
	147/2	00	04	63
	146/पी 1	00	02	69
	146/पी 2	00	07	75
	145	00	06	64
	144/1	00	04	10
	144/2	00	02	38
	143	00	07	26
	142	00	05	04
	139	00	00	09

1	2	3	4	5
जयमंगला निरन्तर	140	00	18	18
	138	00	08	10
	130पी 2, 3, 10, 19	00	89	64
नीलकण्ठपुरा	45	00	97	20
	46	00	14	40
	56	00	11	16
	16	00	25	02
	52	00	09	95
	18	00	22	50
	17	00	00	20
वादंडाहल्लि	70	00	00	81
	69	00	09	81
	68	00	12	96
	67	00	14	40
	65	00	12	24
	15	00	20	88
	17	00	18	00
	124	00	20	16
	97	00	12	96
	54	00	08	28
	56	00	04	32
	57	00	02	34
	58	00	05	04
	51	00	01	80
	52	00	00	47
	60	00	07	09
	46	00	11	52
	102	00	16	52
कामण्डहल्ली	38	00	10	44
	39	00	06	84
	67	00	22	41
	69	00	04	24
	76	00	08	64
	68	00	09	72
	74	00	03	24
	40/4	00	00	30
	40/3	00	00	65
	40/2	00	02	50
	40/1	00	01	42
	41/4	00	01	40
	41/2	00	00	62
	41/1	00	01	46

1	2	3	4	5
	41/3	00	01	21
	42/पी2	00	07	62
	42/पी3	00	00	80
	55/3पी4	00	00	17
	55/3पी5	00	03	37
	55/4	00	02	15
	55/5	00	03	49
	57/2	00	00	25
	54/2	00	02	15
	54/1	00	06	05
	59	00	04	77
	53	00	07	06
	58/2	00	01	44
	52/1	00	06	95
	58/3पी1	00	04	95
	58/3पी2	00	05	09
	58/2पी1 }	00	00	76
	58/2पी2 }	-	-	-
कंगानल्लुर	60	00	11	16
	[illegible]	00	23	94
	75	00	01	26
	63	00	24	12
	65	00	00	41
मावहल्लि	20	00	02	55
	19	00	09	82
	18/3बी	00	07	65
	18/3ए	00	05	25
	18/4	0	03	60
	18/5	00	03	96
	58/12	00	04	32
	58/5	00	00	06
	57/27 }	00	13	50
	57/3 }	-	-	-
	57/4 }	-	-	-
	57/5 }	-	-	-
	57/6 }	-	-	-
	57/10 }	-	-	-
	57/14 }	-	-	-
	57/20 }	-	-	-
	59	00	04	77
	58/1	00	01	44
	57/11	00	00	18
	57/18	00	03	25

1	2	3	4	5
मायहल्लि निरन्तर...	63	00	01	12
	64	00	04	33
	48/2	00	13	61
	48/1	00	08	75
	48/3	00	06	25
	47/3	00	04	36
	46/1	00	04	68
	75	00	10	24
	128/1	00	35	27
	128/2	00	14	61
	129	00	15	35
नायकरहल्लि	42	00	08	63
	41	00	02	10
	40/3	00	01	42
	40/2	00	11	66
	39/2	00	02	43
	38/1 }	00	00	59
	38/2 }	-	-	-
	38/3 }	-	-	-
	51/1 }	00	08	09
	51/2 }	-	-	-
	50	00	07	80
	26 }	00	10	73
	26/1 }	-	-	-
	26/2ए }	-	-	-
	25/3	00	07	13
	25/2	00	05	25
	25/1	00	01	91
	56/1ए	00	06	81
	58	00	10	44
	57	00	04	77
	60	00	08	42
	62	00	09	75
	64	00	10	37
	63/1	00	13	86
	65/4	00	04	64
	65/3	00	00	78
	66	00	08	82
	77/1	00	06	85
	78/3	00	14	56
	78/4	00	05	35
	79/3	00	07	45
	79/2	00	07	23
	79/1	00	06	73
	68/1	00	07	35
	68/2	00	06	60
	68/3पी1	00	08	43
	68/3पी2	00	09	32
	67/पी1	00	23	85
	67/पी16	00	07	84

1	2	3	4	5
नायकरहल्लि निरन्तर...	67/पी17	00	12	78
	67/पी18	00	12	61
	67/पी22	00	06	89
	67/पी23	00	07	02
	67/पी26	00	12	02
	67/पी29	00	31	11
	67/पी39	00	11	22
	67/पी43	00	14	09
	67/पी55	00	09	47
वट्कुंटे	131/पी3	00	11	24
	131/पी5	00	08	54
	131/पी6	00	10	15
बावरहल्लि	36/3	00	09	41
	14	02	52	63
	36/4	00	05	74
	36/5	00	05	34
	35/4	00	13	14
	35/5	00	01	81
	34/1	00	00	86
	34/2	00	02	61
	34/3	00	03	23
	20/4	00	10	64
	20/3	00	00	92
	19	00	11	58
	12/1	00	16	86
	11	00	26	66
	10/2	00	15	32
	9	00	20	19
हुडकुला	155	00	19	70
	156	00	21	98
	157	00	16	83
	158	00	24	65
	160 }	00	05	57
	160/पी1 }	-	-	-
	160/पी2 }	-	-	-

1	2	3	4	5
अनिगानाहल्लि	25/पी1	00	15	60
	24	00	01	85
	27	00	26	35
	30/पी1	00	11	66
	30/पी11	00	13	05
	31	00	46	98
	95	00	09	00
सिड्डानहल्लि	98/पी6पी9	00	83	83
	98/पी8	00	35	54
	98/पी10	00	33	35
	98/पी11	00	11	60
अर्धंत्रगोल्लाहल्लि	10/पी1	00	14	55
	10/पी2 ए , बी	00	06	85
	10/पी3	00	12	68
	10/पी4	00	14	77
	9	00	11	09
	62/1	00	11	78
मुगालाबेले	72/पी33	00	10	52
	180	00	27	41
	67	00	23	11
	68/2	00	05	10
	66	00	12	56
	64/1	00	10	29
	64/2	00	00	51
	63/1	00	00	12
	63/2	00	06	24
	63/3	00	07	40
	58	00	25	64
	59	00	15	83
	56/2	00	41	78
	9/1	00	03	02
	9/2	00	04	00
	10/1	00	05	18
	10/2	-	-	-
	8/4	00	04	26
	8/3	00	03	35

1	2	3	4	5
मुगालाबेले निरन्तर...	8/2	00	00	05
	8/1	00	03	41
	7	00	04	48
	5/2	00	08	37
	16	00	09	38
	18	00	13	58
	133	00	14	26
	134/2	00	03	76
	160/6	00	00	23
	160/5	00	04	08
	160/4	00	00	91
	160/3	00	06	82
	160/2	00	00	37
	140/3	00	00	99
	140/2	00	15	39
	156/1	00	18	93
	158/3	00	00	14
माधमंगला	19/2	00	13	33
	18	00	20	90
	17/1ए	00	00	93
	17/1बी	00	19	69
	17/2	-	-	-
	15/2	00	19	68
	15/1	00	00	25
	14	00	25	67
सूल कुंटे	3	00	20	88
	4	00	24	84
	6	00	02	88
	7	00	00	96
	109/2	00	05	76
	109/1	00	09	48
	14/2	00	00	13
	14/1	00	01	23
	15	00	06	03
	16	00	01	05
	104	00	08	74
	103	00	06	16
	96/4	00	01	91
	96/3	00	03	58
	96/2	00	02	18
	96/1	00	00	51
	97	00	16	95
	25/2	00	20	15

1	2	3	4	5
सूलकुंटे निरन्तर..	25/3	00	05	73
	24/1	00	28	27
	21/2पी	00	14	82
	21/3पी	00	10	30
	21/4पी	00	35	45
	21	00	31	90
	153	00	13	88
	159	00	35	57
	129	00	66	66
	126	00	19	74
	125	00	00	13
	125/1	-	-	-
	125/2	-	-	-

[फा. सं. आर-25011/8/2007-ओ.आर.-I]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 29th May, 2008

S. O. 1282.—Whereas by the notification of the Government of India. Ministry of Petroleum and Natural Gas. S.O. 2461 dated 24-08-2007 under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the land specified in the Schedule relating to Taluk Bangarpet, District Kolar, State Karnataka annexed to that notification for the purpose of laying pipeline for the transportation of Petroleum Product from Refinery of Chennai Petroleum Corporation Limited, Manali to Devanagonthi Terminal, Bangalore, by the Indian Oil Corporation Limited.

And whereas, the copies of the said Gazette Notification were made available to the general public on date of 18/12/2007 ;

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that right of user in the land specified in the Schedule appended to this notification should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act. the Central Government hereby declares that the right of user in the land specified in the Schedule annexed to this notification is hereby acquired for laying the pipeline.

And further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act. the Central Government hereby direct that the right of user in the said land shall instead of vesting in the Central Government, vests from the date of the publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Taluka:-Bangarpet	District:- Kolar	State :- Karnataka		
Nameof village	SurveyNo/Sub-division No	Area		
		Hectare	Are	Sq.mtr.
1	2	3	4	5
JAYAMANGALA	11/2	00	06	03
	11/3	00	03	02
	11/1	00	02	67
	11/11	00	06	76
	11/10	00	00	52
	9/4	00	08	64
	9/5	00	10	94
	7/3	00	00	80
	7/2	00	11	21
	7/1	00	04	27
	8	00	01	28
	5	00	14	19
	6/2	00	06	14
	6/1	00	00	49
	3/3	00	04	02
	1/8	00	01	06
	1/7	00	01	54
	1/6	00	01	60
	1/3	00	02	05
	1/2	00	04	69
	1/1	00	05	91
	153/1	00	04	97
	153/2	00	05	20
	153/3	00	05	32
	153/4	00	04	14
	148/5	00	05	04
	148/4	00	04	46
	148/2	00	07	89
	147/5	00	02	56
	147/4	00	02	01
	147/3	00	02	32
	147/2	00	04	63

1	2	3	4	5
JAYAMANGALA (Contd...)	146/P1	00	02	69
	146/P2	00	07	75
	145	00	06	64
	144/1	00	04	10
	144/2	00	02	38
	143	00	07	26
	142/2	00	05	04
	139	00	00	09
	140	00	18	18
	138	00	08	10
	130/P2,3,10,19	00	89	64
NEELAKANTHPURA	45	00	97	20
	46	00	14	40
	56	00	11	16
	16	00	25	02
	52	00	09	95
	18	00	22	50
	17	00	00	20
VADANDAHALLI	70	00	00	81
	69	00	09	81
	68	00	12	96
	67	00	14	40
	65	00	12	24
	15	00	20	88
	17	00	18	00
	124	00	20	16
	97	00	12	96
	54	00	08	28
	56	00	04	32
	57	00	02	34
	58	00	05	04
	51	00	01	80
	52	00	00	47
	60	00	07	09
	46	00	11	52
	102	00	16	52

1	2	3	4	5
KAMANDAHALLI	38	00	10	44
	39	00	06	84
	67	00	22	41
	69	00	04	24
	76	00	08	64
	68	00	09	72
	74	00	03	24
	40/4	00	00	30
	40/3	00	00	65
	40/2	00	02	50
	40/1	00	01	42
	41/4	00	01	40
	41/2	00	00	62
	41/1	00	01	46
	41/3	00	01	21
	42/P2	00	07	62
	42/P3	00	00	80
	55/3P4	00	00	17
	55/3P5	00	03	37
	55/4	00	02	15
	55/5	00	03	49
	57/2	00	00	25
	54/2	00	02	15
	54/1	00	06	05
	59	00	04	77
	53	00	07	06
	58/2	00	01	44
	52/1	00	06	95
	58/3P1	00	04	95
	58/3P2	00	05	09
	58/2P1 }	00	00	76
	58/2P2 }	-	-	-
KANGANALLUR	60	00	11	16
	62	00	23	94
	75	00	01	26
	63	00	24	12
	65	00	00	41

1	2	3	4	5
MAVAHALLI	20	00	02	55
	19	00	09	82
	18/3B	00	07	65
	18/3A	00	05	25
	18/4	0	03	60
	18/5	00	03	96
	58/12	00	04	32
	58/5	00	00	06
	57/27	00	13	50
	57/3	-	-	-
	57/4	-	-	-
	57/5	-	-	-
	57/6	-	-	-
	57/10	-	-	-
	57/14	-	-	-
	57/20	-	-	-
	59	00	04	77
	58/1	00	01	44
	57/11	00	00	18
	57/18	00	03	25
	63	00	01	12
	64	00	04	33
	48/2	00	13	61
	48/1	00	08	75
	48/3	00	06	25
	47/3	00	04	36
	46/1	00	04	68
	75	00	10	24
	128/1	00	35	27
	128/2	00	14	61
	129	00	15	35
*NAYAKARHALLI	42	00	08	63
	41	00	02	10
	40/3	00	01	42
	40/2	00	11	66

1	2	3	4	5
NAYAKARAHALLI (Contd...)	39/2	00	02	43
	38/1	00	00	59
	38/2	-	-	-
	38/3	-	-	-
	51/1	00	08	09
	51/2	-	-	-
	50	00	07	80
	26	00	10	73
	26/1	-	-	-
	26/2A	-	-	-
	25/3	00	07	13
	25/2	00	05	25
	25/1	00	01	91
	56/1A	00	06	81
	58	00	10	44
	57	00	04	77
	60	00	08	42
	62	00	09	75
	64	00	10	37
	63/1	00	13	86
	65/4	00	04	64
	65/3	00	00	78
	66	00	08	82
	77/1	00	06	85
	78/3	00	14	56
	78/4	00	05	35
	79/3	00	07	45
	79/2	00	07	23
	79/1	00	06	73
	68/1	00	07	35
	68/2	00	06	60
	68/3P1	00	08	43
	68/3P2	00	09	32
	67/P1	00	23	85
	67/P16	00	07	84

1	2	3	4	5
NAYAKARHALLI (Contd...)	67/P17	00	12	78
	67/P18	00	12	61
	67/P22	00	06	89
	67/P23	00	07	02
	67/P26	00	12	02
	67/P29	00	31	11
	67/P39	00	11	22
	67/P43	00	14	09
	67/P55	00	09	47
VATRAKUNTE	131/P3	00	11	24
	131/P5	00	08	54
	131/P6	00	10	15
BAVRAHALLI	36/3	00	09	41
	14	02	52	63
	36/4	00	05	74
	36/5	00	05	34
	35/4	00	13	14
	35/5	00	01	81
	34/1	00	00	86
	34/2	00	02	61
	34/3	00	03	23
	20/4	00	10	64
	20/3	00	00	92
	19	00	11	58
	12/1	00	16	86
	11	00	26	66
	10/2	00	15	32
	9	00	20	19
HUDAKULA	155	00	19	70
	156	00	21	98
	157	00	16	83
	158	00	24	65
	160	00	05	57
	160/P1	-	-	-
	160/P2	-	-	-

1	2	3	4	5
ANIGANAHALLI	25/P1	00	15	60
	24	00	01	85
	27	00	26	35
	30/P1	00	11	66
	30/P11	00	13	05
	31	00	46	98
	95	00	09	00
SIDDANHALLI	98/P6P9	00	83	83
	98/P8	00	35	54
	98/P10	00	33	35
	98/P11	00	11	60
AKSHANTRAGOLLAHALLI	10/P1	00	14	55
	10/P2, A, B	00	06	85
	10/P3	00	12	68
	10/P4	00	14	77
	9	00	11	09
	62/1	00	11	78
MUGALABELE	72/P33	00	10	52
	180	00	27	41
	67	00	23	11
	68/2	00	05	10
	66	00	12	56
	64/1	00	10	29
	64/2	00	00	51
	63/1	00	00	12
	63/2	00	06	24
	63/3	00	07	40
	58	00	25	64
	59	00	15	83
	56/2	00	41	78
	9/1	00	03	02
	9/2	00	04	00
	10/1 }	00	05	18
	10/2 }	-	-	-
	8/4	00	04	26
	8/3	00	03	35

1	2	3	4	5
MUGALABELE (Contd...)	8/2	00	00	05
	8/1	00	03	41
	7	00	04	48
	5/2	00	08	37
	16	00	09	38
	18	00	13	58
	133	00	14	26
	134/2	00	03	76
	160/6	00	00	23
	160/5	00	04	08
	160/4	00	00	91
	160/3	00	06	82
	160/2	00	00	37
	140/3	00	00	99
	140/2	00	15	39
	156/1	00	18	93
	158/3	00	00	14
MADHAMANGALA	19/2	00	13	33
	18	00	20	90
	17/1A	00	00	93
	17/1B }	00	19	69
	17/2 }	-	-	-
	15/2	00	19	68
	15/1	00	00	25
	14	00	25	67
SULAKUNTE	3	00	20	88
	4	00	24	84
	6	00	02	88
	7	00	00	96
	109/2	00	05	76
	109/1	00	09	48
	14/2	00	00	13
	14/1	00	01	23
	15	00	06	03
	16	00	01	05

1	2	3	4	5
SULAKUNTE (Contd...)	104	00	08	74
	103	00	06	16
	96/4	00	01	91
	96/3	00	03	58
	96/2	00	02	18
	96/1	00	00	51
	97	00	16	95
	25/2	00	20	15
	25/3	00	05	73
	24/1	00	28	27
	21/2P	00	14	82
	21/3P	00	10	30
	21/4P	00	35	45
	21	00	31	90
	153	00	13	88
	159	00	35	57
	129	00	66	66
	126	00	19	74
	125	00	00	13
	125/1	-	-	-
	125/2	-	-	-

[F. No. R-25011/8/2007-O.R.-I]
S.K. CHITKARA, Under Secy.

नई दिल्ली, 29 मई, 2008

का. आ. 1283.—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन)अधिनियम 1962 (1962 का 50) की धारा 3 की उप-धारा (1) के अधीन जारी, भारत के राजपत्र, तारीख 26.08.2007 – 01.09.2007 में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का आ. 2462 तारीख 24.08.2007 द्वारा उस अधिसूचना से संलग्न अनुसूची तालुका-कोलार, जिला कोलार, राज्य कर्नाटक में चेन्नै पेट्रोलियम कॉर्पोरेशन लिमिटेड, मनाली की रिफैनेरी से देवनगुट्टि टॉर्मिनल, बैंगलुर तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कार्पोरेशन लिमिटेड, चेन्नै द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी.

और उक्त राजपत्र अधिसूचना की प्रतियां ता. 18/12/2007 से जनता को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने ,उक्त रिपोर्ट पर विचार करने के पश्चात ,यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूचि में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाए;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि पाइपलाइन बिछाने के लिए इस अधिसूचना से संलग्न अनुसूचि मे विनिर्दष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाए, इंडियन ऑयल कोर्पोरेशन लिमिटेड चेन्नै में सभी विल्लंगमों से मुक्त होकर प्रकाशन की इस तारीख से निहित होगा ।

अनुसूची

तालूका : कोलार	जिला : कोलार	राज्य : कर्नाटक		
गॉव का नाम	सर्वेक्षण सं/उप-खण्ड सं.	क्षेत्रफल		
		हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5
वडागेरे	38	00	02	88
	74	00	20	76
	1	00	13	56
	2	00	22	55
	3	00	29	28
	130	00	18	91
	133	00	16	11
स्वामीगला गोल्लाहल्लि	44/पी11	00	07	67
	39	00	47	74
	38	00	04	82
	44/पी35	00	03	91
	44/पी2 ए , बी	00	30	66
	40	00	03	28
	44/पी14	00	97	01
	44/पी25	00	33	76
	44/पी19	00	42	24
अग्रहरा सोमरसन हल्लि	157	00	08	10
	156	00	13	32
	158	00	19	26
	155	00	13	68
	154	00	04	86
	153	00	01	44
पटना	48	00	25	56
	33	00	13	50
	32	00	03	24
	34	00	21	78
	35	00	10	62
	42	00	22	74
	40	00	03	18
	41	00	06	48
	144	00	18	25
	142	00	00	99
	143	00	00	20
	145	00	10	98

1	2	3	4	5
पटना निरन्तर..	140	00	24	48
	139	00	07	92
	137	00	03	84
	135	00	06	48
	134	00	04	32
	131	00	08	28
	132	00	14	76
	128	00	12	24
	127	00	02	88
	129	00	11	52

[फा. सं. आर-25011/8/2007-ओ.आर.-I]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 29th May, 2008

S. O. 1283.—Whereas by the notification of the Government of India. Ministry of Petroleum and Natural Gas. S.O. 2462 dated 24-08-2007 under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the land specified in the Schedule relating to Taluk Kolar, District Kolar, State Karnataka annexed to that notification for the purpose of laying pipeline for the transportation of Petroleum Product from Refinery of Chennai Petroleum Corporation Limited, Manali to Devanagonthi Terminal, Bangalore, by the Indian Oil Corporation Limited.

And whereas, the copies of the said Gazette Notification were made available to the general public on date of 18/12/2007 ;

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that right of user in the land specified in the Schedule appended to this notification should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act. the Central Government hereby declares that the right of user in the land specified in the Schedule annexed to this notification is hereby acquired for laying the pipeline.

And further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act. the Central Government hereby direct that the right of user in the said land shall instead of vesting in the Central Government, vests from the date of the publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Taluka:-Kolar	District:- Kolar	State :- Karnataka		
Nameof village	SurveyNo/Sub-division No	Area		
		Hectare	Are	Sq.mtr.
1	2	3	4	5
VADAGERE	38	00	02	88
	74	00	20	76
	1	00	13	56
	2	00	22	55
	3	00	29	28
	130	00	18	91
	133	00	16	11
SWAMIGALA GOLLAHALLI	44/P11	00	07	67
	39	00	47	74
	38	00	04	82
	44/P35	00	03	91
	44/P2, A, B	00	30	66
	40	00	03	28
	44/P14	00	97	01
	44/P25	00	33	76
	44/P19	00	42	24
AGRAHARA SOMRASANA HALLI	157	00	08	10
	156	00	13	32
	158	00	19	26
	155	00	13	68
	154	00	04	86
	153	00	01	44
PATNA	48	00	25	56
	33	00	13	50
	32	00	03	24
	34	00	21	78
	35	00	10	62
	42	00	22	74
	40	00	03	18
	41	00	06	48
	144	00	18	25
	142	00	00	99
	143	00	00	20
	145	00	10	98
	140	00	24	48
	139	00	07	92
	137	00	03	84
	135	00	06	48

1	2	3	4	5
PATNA (Contd.)	134	00	04	32
	131	00	08	28
	132	00	14	76
	128	00	12	24
	127	00	02	88
	129	00	11	52

[F. No. R-25011/8/2007-O.R.-I]
S.K. CHITKARA, Under Secy.

नई दिल्ली, 29 मई, 2008

का. आ. 1284.— केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन)अधिनियम 1962 (1962 का 50) की धारा 3 की उप-धारा (1) के अधीन जारी, भारत के राजपत्र, तारीख 26.08.2007 – 01.09.2007 में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का आ. 2463 तारीख 24.08.2007 द्वारा उस अधिसूचना से संलग्न अनुसूची तालुका-मालुर, जिला कोलार, राज्य कर्नाटक में चेन्नै पेट्रोलियम कॉर्पोरेशन लिमिटेड, मनाली की रिफैनेरी से देबनगुड्डि टॉर्मिनल, बैंगलुर तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कार्पोरेशन लिमिटेड, चेन्नै द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी.

और उक्त राजपत्र अधिसूचना की प्रतियां ता. 18/12/2007 से जनता को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने ,उक्त रिपोर्ट पर विचार करने के पश्चात, यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूचि में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाए;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि पाइपलाइन बिछाने के लिए इस अधिसूचना से संलग्न अनुसूचि मे विनिर्दष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाए, इंडियन ऑयल कोर्पोरेशन लिमिटेड चेन्नै में सभी विल्लंगमों से मुक्त होकर प्रकाशन की इस तारीख से निहित होगा ।

अनुसूची

तालूका : मालुर	जिला : कोलार	राज्य : कर्नाटक		
गॉव का नाम	सर्वेक्षण सं/उप-खण्ड सं.	क्षेत्रफल		
		हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5
करडागुर्की	30/पी15	00	52	58
	30/पी22	00	26	44
	30/पी24	00	47	21
कुंटानहल्लि	68	00	15	42
	68/पी1	00	27	85
	56	00	00	44
	59	00	41	39
	58	00	16	38
	61	00	00	19
	62	00	08	04
	63	00	01	30
	64/3	00	17	66
	64/2	00	02	07
	47	00	04	69
	46	00	01	68
	45/2	00	12	41
	45/3	00	09	86
	52/पी1	00	06	74
नक्कनहल्लि	37/पी3 ए , बी	00	43	74
	37/पी4	00	33	29
	37/पी5	00	20	48
	37/पी6	00	13	03
	37/पी11	00	24	95
कारगुंट्टा	16	00	23	40
	16बी	00	09	49
	16/पी7	00	34	48
	16/पी8	00	13	49
	16/पी9	00	33	37
	45	00	15	68
	18	00	02	23
	9	00	24	23

1	2	3	4	5
कारगुंड्डा निरन्तर..	10/2	00	02	88
	8/3	00	05	76
	8/2	00	09	90
	8/1	00	10	44
	7	00	24	48
	46	00	00	59
निधरमंगला	34	00	50	40
	3	00	04	68
	35	00	12	08
	36	00	07	07
	50/4	00	00	99
	50/3	00	02	57
	50/2	00	11	08
	50/7	00	00	36
	50/6	00	00	32
	50/5ए	00	06	35
	50/5बी	00	06	24
	48/4	00	05	59
	51	00	02	46
	19	00	06	44
	18	00	00	81
	20	00	03	82
	21	00	18	25
	22	00	12	16
	23	00	20	29
	24/2	00	02	94
	205	00	00	10
बावनहल्लि	47	00	01	58
	47/पी1	00	07	13
	47/पी2	00	14	19
	47/पी12	00	15	19
	47/पी13	00	11	11
	47/पी14	00	15	71
	47/पी34	00	22	32
	47/पी35	00	06	28

1	2	3	4	5
बावनहल्लि निरन्तर..	32/2	00	08	75
	31/5	00	04	02
	31/6	00	04	87
	31/8	00	07	45
	31/3	00	03	02
	31/4	00	02	82
	17/11	00	05	11
	17/10	00	00	09
	17/1	00	03	23
	17/2	00	07	33
	16/3	00	06	81
	16/2	00	07	70
	20/1	00	05	77
	20/2	00	04	73
	20/3	00	26	10
	21	00	14	68
कडसनहल्लि	10/3	00	25	21
	10/4	00	00	38
	10/2	00	04	71
	10/1	00	04	95
	25/ए	00	09	86
	36/2	00	24	34
	39/1	00	14	64
	39/2	00	03	69
	40	00	13	46
	41	00	11	32
	53/2	00	15	18
	53/1	00	23	93
	52	00	01	57
	51	00	13	48
	50	00	40	79
	49/1, 2, 3, 4	00	00	73
पुरमाकनहल्लि	5/पी5	00	07	40
	5/पी6	00	18	12
	5/पी9	00	03	95
	5/पी10	00	28	36
	7/1	00	04	65

1	2	3	4	5
पुरमाकनहल्लि निरन्तर..	9/3	00	10	41
	9/4	00	14	29
	9/2	00	09	01
	9/1	00	09	62
	43/4	00	18	36
	15/9	00	05	26
	15/8	00	00	09
	14	00	06	65
	16/5	00	05	27
	16/3	00	04	93
	16/2	00	07	64
	16/1	00	06	06
	22	00	02	14
	21	00	18	44
	25	00	08	37
	26/2	00	06	64
दोड्डाशिवारा	42	00	00	70
वडगनहल्लि	30	00	16	16
	31/1	00	10	48
	31/2	00	09	24
	34	00	30	23
	35	00	00	09
	73/2	00	17	24
	73/1	00	17	21
	74/2	00	05	30
	74/1	00	15	65
	75/2	00	26	94
चिक्कासिवारा	37	00	30	40
	68	00	00	78
	52/1	00	31	90
	54	00	05	72
	51	00	25	87
	50	00	04	57
	49/1	00	18	14
	49/2	00	14	21
	48/2	00	11	33
	47/1	00	16	77

1	2	3	4	5
धाड्डाकडथुरु	45/2	00	06	48
	46/1	00	32	10
	43	00	12	57
	49/2	00	10	20
	49/1-ए	00	05	85
	49/1-बी	00	03	75
	138/2	00	05	01
	138/1	00	06	30
	50/2	00	01	22
	51	00	21	57
	60/1	00	11	87
	60/2	-	-	-
	70/6	00	17	18
	70/7ए	00	06	51
	70/5	00	10	73
	70/2	00	06	69
	70/1	00	05	61
	73	00	41	79
	73/पी5	00	03	84
	151	00	19	81
	71/6	00	10	51
	71/5	00	17	72
	71/4	00	05	41
	71/3	00	05	13
	71/1	00	09	39
	172	00	20	17
	163	00	00	09
	173	00	18	12
	174	00	21	52
	160	00	22	15
	159	00	05	95
	169	00	30	06
	168	00	03	67
नाचोहल्लि	69/पी1	00	54	24
	69/पी2	00	51	00

1	2	3	4	5
नाचोहल्लि निरन्तर..	64/2	00	00	68
	64/1	00	22	68
	69/पी7	00	45	30
	69/पी13	00	19	63
	72	00	00	22
	77/1	00	23	21
	76	00	19	36
	75/2	00	03	37
	75/1	00	11	48
	74	00	18	46
लिंगापुरा	49/पी4	00	30	29
	28	00	47	75
	32	00	31	45
हारोहल्लि	11/पी1	00	18	72
	11/पी2	00	12	42
	11/पी3	00	00	68
	12/1	00	05	90
	12/2	00	16	66
	21/2	00	00	70
	21/3	00	12	25
	21/4	00	02	60
	20/2	00	11	66
	20/1	00	12	14
	19/3	00	08	13
	19/2	00	07	43
	19/1	00	07	59
	34	00	39	34
	36	00	00	09
	33/2सी	00	27	88
	33/2बी2	00	00	28
	33/2ए	00	18	63
मांडवाला	151	00	08	29
	154/1	00	05	85
	155/1	00	00	17
	67	00	11	50

1	2	3	4	5
भाडिवाला निरन्तर..	68	00	02	20
	164/2	00	03	35
	164/1	00	16	19
	164/3	00	00	30
	166/2	00	06	67
	61	00	08	75
	16	00	23	68
	12/5ए	00	01	80
	12/4	00	05	45
	12/3	00	06	22
	12/2	00	04	77
	12/1	00	20	30
	11	00	09	58
	10	00	10	97
	8/4	00	23	41
	8/3	00	07	11
	167	00	10	05
	166/1	00	00	09
	168	00	05	59
	169	00	06	43
	171/2	00	03	60
	171/3	00	01	80
	173/1	00	00	24
	173/2	00	01	84
	173/3	00	06	05
	174	00	05	94
	175	00	13	50
	66	00	00	54
	65	00	07	78
	63/1	00	01	12
	64/1	00	01	68
	64/2	00	06	30
	64/3	00	09	80
चोकंडहल्लि	170/2	00	02	16
	170/1	00	15	12
	164	00	24	00
	169/3	00	00	09
	165/1	00	28	03
	165/2	00	03	29
	166/2	00	11	50
	115/2	00	10	43
	115/1	00	18	54
	119/3	00	12	20
	120/2	00	06	38
	120/1	00	05	60
	121	00	00	18

1	2	3	4	5
चोकंडहल्लि निरन्तर..	128/2	00	03	33
	126/3	00	08	28
	126/2	00	14	99
	126/1	00	12	95
	127	00	05	07
	132/2	00	16	15
	135/1	00	12	77
	139/3	00	05	12
	139/2	00	04	80
	139/1	00	10	43
	140	00	01	82
हनुमानायकहल्लि	32	00	70	45
	32/पी1	-	-	-
यशवन्तपुरा	18	00	06	51
	98	00	19	15
	20/5	00	06	54
	20/4	00	05	10
	20/3	00	05	43
	20/2पी1	00	05	55
	20/2पी2	-	-	-
	20/1ए	00	05	09
	20/1बी	-	-	-
	19/6पी2	00	05	10
	19/4	00	04	80
	19/7	00	04	72
	19/2	00	04	25
	19/1	00	03	63
	100/1	00	01	44
	105	00	16	56
	21	00	11	52
	108	00	14	40
	22	00	41	04
	23/1	00	08	64
	23/2	00	10	80
	26/4	00	03	42
	26/5	00	05	22
	25/2बी	00	06	30
	25/2ए	00	05	22
	25/1	00	00	60
	3	00	07	92
	4/3	00	20	52
	5	00	17	28
	84	00	12	96
	85/2	00	11	25
	85/1	00	13	55
	82/3	00	06	66
	82/4-पी1	00	01	12
	82/4-पी2	00	08	59

1	2	3	4	5
योशवन्तपुरा निरन्तर..	82/4-पी3	00	06	43
	80	00	05	71
	81/3	00	07	83
	79	00	24	27
थिम्मापुरा	10	00	03	93
	11	00	25	22
	3	00	51	46
	2	00	16	46
आनेपुर	77	00	02	84
	70	00	01	42
	78	00	00	85

[फा. सं. आर-25011/8/2007-ओ.आर.-I]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 29th May, 2008

S. O. 1284.—Whereas by the notification of the Government of India. Ministry of Petroleum and Natural Gas. S.O. 2463 dated 24-08-2007 under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the land specified in the schedule relating to Taluk Malur, District Kolar, State Karnataka annexed to that notification for the purpose of laying pipeline for the transportation of Petroleum Product from Refinery of Chennai Petroleum Corporation Limited, Manali to Devanagonthi Terminal, Bangalore, by the Indian Oil Corporation Limited.

And whereas, the copies of the said Gazette Notification were made available to the general public on date of 18/12/2007 ;

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitied report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that right of user in the land specified in the Schedule appended to this notification should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act. the Central Government hereby declares that the right of user in the land specified in the Schedule annexed to this notification is hereby acquired for laying the pipeline.

And further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act. the Central Government hereby direct that the right of user in the said land shall instead of vesting in the Central Government, vests from the date of the publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Taluka : Malur	District : Kolar	State : Karnataka		
Nameof village	SurveyNo/Sub-division No	Area		
		Hectare	Are	Sq.mtr.
1	2	3	4	5
KARADAGURKY	30/P15	00	52	58
	30/P22	00	26	44
	30/P24	00	47	21
KUNTANAHALLI	68	00	15	42
	68/P1	00	27	85
	56	00	00	44
	59	00	41	39
	58	00	16	38
	61	00	00	19
	62	00	08	04
	63	00	01	30
	64/3	00	17	66
	64/2	00	02	07
	47	00	04	69
	46	00	01	68
	45/2	00	12	41
	45/3	00	09	86
	52/P1	00	06	74
NAKKANAHALLI	37/P3, A, B	00	43	74
	37/P4	00	33	29
	37/P5	00	20	48
	37/P6	00	13	03
	37/P11	00	24	95
KARANGUTTA	16	00	23	40
	16B	00	09	49
	16/P7	00	34	48
	16/P8	00	13	49
	16/P9	00	33	37
	45	00	15	68
	18	00	02	23
	9	00	24	23

1	2	3	4	5
KARANGUTTA (Contd...)	10/2	00	02	88
	8/3	00	05	76
	8/2	00	09	90
	8/1	00	10	44
	7	00	24	48
	46	00	00	59
NIDHARAMANGALA	34	00	50	40
	3	00	04	68
	35	00	12	08
	36	00	07	07
	50/4	00	00	99
	50/3	00	02	57
	50/2	00	11	08
	50/7	00	00	36
	50/6	00	00	32
	50/5A	00	06	35
	50/5B	00	06	24
	48/4	00	05	59
	51	00	02	46
	19	00	06	44
	18	00	00	81
	20	00	03	82
	21	00	18	25
	22	00	12	16
	23	00	20	29
	24/2	00	02	94
	205	00	00	10
BAVNAHALLI	47	00	01	58
	47/P1	00	07	13
	47/P2	00	14	19
	47/P12	00	15	19
	47/P13	00	11	11
	47/P14	00	15	71
	47/P34	00	22	32
	47/P35	00	06	28

1	2	3	4	5
BAVNAHALLI (Contd...)	32/2	00	08	75
	31/5	00	04	02
	31/6	00	04	87
	31/8	00	07	45
	31/3	00	03	02
	31/4	00	02	82
	17/11	00	05	11
	17/10	00	00	09
	17/1	00	03	23
	17/2	00	07	33
	16/3	00	06	81
	16/2	00	07	70
	20/1	00	05	77
	20/2	00	04	73
	20/3	00	26	10
	21	00	14	68
KADASANNAHALLI	10/3	00	25	21
	10/4	00	00	38
	10/2	00	04	71
	10/1	00	04	95
	25/A	00	09	86
	36/2	00	24	34
	39/1	00	14	64
	39/2	00	03	69
	40	00	13	46
	41	00	11	32
	53/2	00	15	18
	53/1	00	23	93
	52	00	01	57
	51	00	13	48
	50	00	40	79
	49, 1, 2, 3, 4	00	00	73
PURAMAKANHALLI	5/P5	00	07	40
	5/P6	00	18	12
	5/P9	00	03	95
	5/P10	00	28	36
	7/1	00	04	65

1	2	3	4	5
PURAMAKANHALLI (Contd...)	9/3	00	10	41
	9/4	00	14	29
	9/2	00	09	01
	9/1	00	09	62
	43/4	00	18	36
	15/9	00	05	26
	15/8	00	00	09
	14	00	06	65
	16/5	00	05	27
	16/3	00	04	93
	16/2	00	07	64
	16/1	00	06	06
	22	00	02	14
	21	00	18	44
	25	00	08	37
	26/2	00	06	64
DODDASHIVARA	42	00	00	70
VADAGANAHALLI	30	00	16	16
	31/1	00	10	48
	31/2	00	09	24
	34	00	30	23
	35	00	00	09
	73/2	00	17	24
	73/1	00	17	21
	74/2	00	05	30
	74/1	00	15	65
	75/2	00	26	94
CHIKKASHIVARA	37	00	30	40
	68	00	00	78
	52/1	00	31	90
	54	00	05	72
	51	00	25	87
	50	00	04	57
	49/1	00	18	14
	49/2	00	14	21
	48/2	00	11	33
	47/1	00	16	77

1	2	3	4	5
DHADDA KADATHURU	45/2	00	06	48
	46/1	00	32	10
	43	00	12	57
	49/2	00	10	20
	49/1-A	00	05	85
	49/1-B	00	03	75
	138/2	00	05	01
	138/1	00	06	30
	50/2	00	01	22
	51	00	21	57
	60/1	00	11	87
	60/2	-	-	-
	70/6	00	17	18
	70/7A	00	06	51
	70/5	00	10	73
	70/2	00	06	69
	70/1	00	05	61
	73	00	41	79
	73/P5	00	03	84
	151	00	19	81
	71/6	00	10	51
	71/5	00	17	72
	71/4	00	05	41
	71/3	00	05	13
	71/1	00	09	39
	172	00	20	17
	163	00	00	09
	173	00	18	12
	174	00	21	52
	160	00	22	15
	159	00	05	95
	169	00	30	06
	168	00	03	67
NAGHOHALLI	69/P1	00	54	24
	69/P2	00	51	00

1	2	3	4	5
NACHOHALLI (Contd...)	64/2	00	00	68
	64/1	00	22	68
	69/P7	00	45	30
	69/P13	00	19	63
	72	00	00	22
	77/1	00	23	21
	76	00	19	36
	75/2	00	03	37
	75/1	00	11	48
	74	00	18	46
LINGAPURA	49/P4	00	30	29
	28	00	47	75
	32	00	31	45
HAROHALLI	11/P1	00	18	72
	11/P2	00	12	42
	11/P3	00	00	68
	12/1	00	05	90
	12/2	00	16	66
	21/2	00	00	70
	21/3	00	12	25
	21/4	00	02	60
	20/2	00	11	66
	20/1	00	12	14
	19/3	00	08	13
	19/2	00	07	43
	19/1	00	07	59
	34	00	39	34
	36	00	00	09
	33/2C	00	27	88
	33/2B2	00	00	28
	33/2A	00	18	63
MADIVALA	151	00	08	29
	154/1	00	05	85
	155/1	00	00	17
	67	00	11	50

1	2	3	4	5
MADIVALA (Contd...)	68	00	02	20
	164/2	00	03	35
	164/1	00	16	19
	164/3	00	00	30
	166/2	00	06	67
	61	00	08	75
	16	00	23	68
	12/5A	00	01	80
	12/4	00	05	45
	12/3	00	06	22
	12/2	00	04	77
	12/1	00	20	30
	11	00	09	58
	10	00	10	97
	8/4	00	23	41
	8/3	00	07	11
	167	00	10	05
	166/1	00	00	09
	168	00	05	59
	169	00	06	43
	171/2	00	03	60
	171/3	00	01	80
	173/1	00	00	24
	173/2	00	01	84
	173/3	00	06	05
	174	00	05	94
	175	00	13	50
	66	00	00	54
	65	00	07	78
	63/1	00	01	12
	64/1	00	01	68
	64/2	00	06	30
	64/3	00	09	80
CHOKANDAHALLI	170/2	00	02	16
	170/1	00	15	12
	164	00	24	00
	169/3	00	00	09
	165/1	00	28	03
	165/2	00	03	29
	166/2	00	11	50
	115/2	00	10	43
	115/1	00	18	54
	119/3	00	12	20
	120/2	00	06	38
	120/1	00	05	60
	121	00	00	18
	128/2	00	03	33
	126/3	00	08	28
	126/2	00	14	99

1	2	3	4	5
CHOKANDAHALLI (Contd...)	126/1	00	12	95
	127	00	05	07
	132/2	00	16	15
	135/1	00	12	77
	139/3	00	05	12
	139/2	00	04	80
	139/1	00	10	43
	140	00	01	82
HANUMANAYAKAHALLI	32	00	70	45
	32/P1	-	-	-
YESHWANTHAPURA	18	00	06	51
	98	00	19	15
	20/5	00	06	54
	20/4	00	05	10
	20/3	00	05	43
	20/2P1	00	05	55
	20/2P2	-	-	-
	20/1A	00	05	09
	20/1B	-	-	-
	19/6P2	00	05	10
	19/4	00	04	80
	19/7	00	04	72
	19/2	00	04	25
	19/1	00	03	63
	100/1	00	01	44
	105	00	16	56
	21	00	11	52
	108	00	14	40
	22	00	41	04
	23/1	00	08	64
	23/2	00	10	80
	26/4	00	03	42
	26/5	00	05	22
	25/2B	00	06	30
	25/2A	00	05	22
	25/1	00	00	60
	3	00	07	92
	4/3	00	20	52
	5	00	17	28
	84	00	12	96
	85/2	00	11	25
	85/1	00	13	55
	82/3	00	06	66
	82/4-P1	00	01	12
	82/4-P2	00	08	59
	82/4-P3	00	06	43
	80	00	05	71

1	2	3	4	5
YESHWANTHAPURA (Contd...)	81/3	00	07	83
	79	00	24	27
THIMMAPURA	10	00	03	93
	11	00	25	22
	3	00	51	46
	2	00	16	46
ANEPUR	77	00	02	84
	70	00	01	42
	78	00	00	85

[F. No. R-25011/8/2007-O.R.-I]
S.K. CHITKARA, Under Secy.

नई दिल्ली, 29 मई, 2008

का. आ. 1285.— केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन)अधिनियम 1962 (1962 का 50) की धारा 3 की उप-धारा (1) के अधीन जारी, भारत के राजपत्र, तारीख 26.08.2007 – 01.09.2007 में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का आ. 2464 तारीख 24.08.2007 द्वारा उस अधिसूचना से संलग्न अनुसूची तालुका-होसकोटे, जिला बेंगलुरु रुरल, राज्य कर्नाटक में चेन्नै पेट्रोलियम कॉर्पोरेशन लिमिटेड, मनाली की रिफैनेरी से देवनगुट्टि टॉर्मिनल, बैंगलुर तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कार्पोरेशन लिमिटेड, चेन्नै द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी.

और उक्त राजपत्र अधिसूचना की प्रतियां ता. 18/12/2007 से जनता को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूचि में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाए;

अत:, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि पाइपलाइन बिछाने के लिए इस अधिसूचना से संलग्न अनुसूचि मे विनिर्दष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाए, इंडियन ऑयल कोर्पोरेशन लिमिटेड चेन्नै में सभी विल्लंगमों से मुक्त होकर प्रकाशन की.इस तारीख से निहित होगा ।

अनुसूची

तालूका : होसकोटे	जिला : बेंगलुरु रुरल	राज्य : कर्नाटक		
गॉव का नाम	सर्वेक्षण सं/उप-खण्ड सं.	क्षेत्रफल		
		हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5
बमनबांडे	37/ए	00	19	93
	37/बी	00	09	25
	37/सी	00	21	71
	37/डी	00	23	41
	37/पी2	00	02	93
	37/पी7	00	07	05
	37/पी8	00	06	41
	37/पी9	00	12	04
	37/पी10	00	30	66
	88	00	12	75
	87	00	07	97
	38/3	00	04	15
	48/1	00	15	16
	48/2	-	-	-
	49/1	00	04	29
	49/2	00	07	43
	50/1	00	10	84
	50/2	-	-	-
	50/3	-	-	-
	53/2	00	07	45
	53/1	00	14	18
	54	00	09	53
	56/6	00	04	67
	55/1	00	07	01
	55/2	00	06	19
	55/3	00	05	87
	55/4	00	11	48
काजीहोसा हल्लि	90	00	19	07
	99	00	00	99
	13/2ए	00	09	22
	13/2बी	00	19	12
	14	00	06	76

1	2	3	4	5
काजीहोसा हल्लि निरन्तर..	15	00	03	06
	102	00	02	37
	16/2सी	00	00	81
	16/2बी	00	04	89
	16/2ए	00	05	41
	16/1	00	18	52
	17/1	00	02	11
	17/2	00	04	63
बनहल्लि	23/1	00	17	57
	24	00	14	82
	30/2	00	20	08
	30/5	00	02	83
	30/1	00	08	91
	31/3	00	12	84
	31/2	00	09	31
	31/1	00	01	00
	32/1	00	07	84
	36/3	00	09	36
	36/2	00	11	10
	36/1	00	09	16
परमनाहल्लि	85/पी7	0	73	44
	85/पी2	-	-	-
टिंडलु	61	00	06	22
	60	00	03	16
	36/बी	00	36	36
	59	00	23	11
	32/1	00	07	65
	37/ए	00	45	25
	37/बी	-	-	-
तरवहल्लि	23	00	05	52
	65	00	11	15
	08	00	10	40
	61	00	12	14
	60	00	10	24
	02	00	37	89
	12	00	14	40

1	2	3	4	5
तरवहल्लि निरन्तर..	11	00	15	12
	14	00	28	80
	38	00	10	78
	44	00	47	52
	2	00	13	53
	50	00	00	20
	70	00	26	82
	69/1	00	20	80

[फा. सं. आर-25011/8/2007-ओ.आर.-I]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 29th May, 2008

S. O. 1285.—Whereas by the notification of the Government of India. Ministry of Petroleum and Natural Gas. S.O. 2464 dated 24-08-2007 under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the land specified in the Schedule relating to Taluk Hoskote, District Bengalore rural, State Karnataka annexed to that notification for the purpose of laying pipeline for the transportation of Petroleum Product from Refinery of Chennai Petroleum Corporation Limited, Manali to Devanagonthi Terminal, Bangalore, by the Indian Oil Corporation Limited.

And whereas, the copies of the said Gazette Notification were made available to the general public on date of 18/12/2007 ;

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that right of user in the land specified in the Schedule appended to this notification should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act. the Central Government hereby declares that the right of user in the land specified in the Schedule annexed to this notification is hereby acquired for laying the pipeline.

And further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act. the Central Government hereby direct that the right of user in the said land shall instead of vesting in the Central Government, vests from the date of the publication of thjs declaration in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Taluka : Haskote	District : Bangalore Rural	State : Karnataka		
Nameof village	SurveyNo/Sub-division No	Area		
		Hectare	Are	Sq.mtr.
1	2	3	4	5
BAMMANABANDE	37/A	00	19	93
	37/B	00	09	25
	37/C	00	21	71
	37/D	00	23	41
	37/P2	00	02	93
	37/P7	00	07	05
	37/P8	00	06	41
	37/P9	00	12	04
	37/P10	00	30	66
	88	00	12	75
	87	00	07	97
	38/3	00	04	15
	48/1	00	15	16
	48/2	-	-	-
	49/1	00	04	29
	49/2	00	07	43
	50/1	00	10	84
	50/2	-	-	-
	50/3	-	-	-
	53/2	00	07	45
	53/1	00	14	18
	54	00	09	53
	56/6	00	04	67
	55/1	00	07	01
	55/2	00	06	19
	55/3	00	05	87
	55/4	00	11	48
KAJIHOSAHALLI	90	00	19	07
	99	00	00	99
	13/2A	00	09	22
	13/2B	00	19	12
	14	00	06	76

1	2	3	4	5
KAJIHOSAHALLI (Contd...)	15	00	03	06
	102	00	02	37
	16/2C	00	00	81
	16/2B	00	04	89
	16/2A	00	05	41
	16/1	00	18	52
	17/1	00	02	11
	17/2	00	04	63
BANAHALLI	23/1	00	17	57
	24	00	14	82
	30/2	00	20	08
	30/5	00	02	83
	30/1	00	08	91
	31/3	00	12	84
	31/2	00	09	31
	31/1	00	01	00
	32/1	00	07	84
	36/3	00	09	36
	36/2	00	11	10
	36/1	00	09	16
PARAMANAHALLI	85/P7	0	73	44
	85/P2	-	-	-
TINDLU	61	00	06	22
	60	00	03	16
	36/B	00	36	36
	59	00	23	11
	32/1	00	07	65
	37/A	00	45	25
	37/B	-	-	-
TARABHALLI	23	00	05	52
	65	00	11	15
	08	00	10	40
	61	00	12	14
	60	00	10	24
	02	00	37	89
	12	00	14	40

1	2	3	4	5
TARABAHALLI (Contd...)				
	11	00	15	12
	14	00	28	80
	38	00	10	78
	44	00	47	52
	2	00	13	53
	50	00	00	20
	70	00	26	82
	69/1	00	20	80

[F. No. R-25011/8/2007-O.R.-I]
S.K. CHITKARA, Under Secy.

नई दिल्ली, 30 मई, 2008

का. आ. 1286.—केन्द्रीय सरकार ने पैट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 4926 दिनांक 20 दिसंबर 2006 द्वारा पैट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे उसके पश्चात उक्त अधिनियम कहा जाएगा) की धारा 3(1) के अधीन अधिसूचनाएं प्रकाशित कर, लिक्विफाइड पैट्रोलियम गैस (एल.पी.जी) के परिवहन के लिए हरियाणा राज्य में पानीपत से पंजाब राज्य के नाभा होते हुए पंजाब राज्य के जालंधर तक इंडियन ऑयल कार्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाने हेतु, उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट, तहसील–**संगरुर**, जिला–**संगरुर**, पंजाब राज्य की भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी;

और, उक्त अधिसूचना की प्रतियां जनता को 24–26 फरवरी 2007 तक उपलब्ध करा दी गई थी;

और, उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी, ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार ने उक्त रिर्पोट पर विचार करने के पश्चात इस अधिसूचना से उपाबद्ध अनुसूची में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषणा करती है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट, भूमि में उपयोग का अधिकार अर्जित किया जाता है;

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस अधिसूचना के प्रकाशन की तिथि से, केन्द्रीय सरकार में निहित होने की बजाय, सभी विल्लंगमों से मुक्त होकर, इंडियन ऑयल कार्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गांव का नाम	हदबस्त संख्या	मुस्तील संख्या	खसरा / किला संख्या	क्षेत्रफल		
						हेक्टेयर	एयर	वर्गमीटर
1		2	3	4	5	6	7	8
संगरुर	संगरुर	राजपुरा	31	-	925/275	00	05	48
				-	927/278	00	13	91
				-	929/279	00	01	26

[फा. सं. आर-25011/13/2007-ओ.आर.-I]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 30th May, 2008

S. O. 1286.—Whereas by notification of the government of India in the ministry of Petroleum and Natural gas, published in the Gazette of India vide number S.O. 4926, dated 20th December 2006, issued under sub-section (1) of section 3of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to this notification for the purpose of laying a pipeline for transportation of Liquefied Petroleum Gas (LPG) from Panipat in the State of Haryana to Jallandhar in the State of Punjab via Nabha in the State of Punjab by the Indian Oil Corporation Limited in the Tehsil **Sangrur**, District **Sangrur (Punjab).**

And, whereas, the copies of the said Gazette notification were made available to the public between 24th - 26th February 2007;

And, whereas the Competent Authority has under Sub-section (1) of section 6 of the said Act, submitted his report to the Central Government;

And, whereas the Central Government after considering the said report is satisfied that the right of user in the land specified in the schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the schedule appended to this notification is acquired;

And, further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

District	Tehsil	Village	Hadbast No.	Mustill No.	Khasra / Killa No.	HECT	AREA ARE	SQUARE M.
1	2	3	4	5	6	7	8	9
Sangrur	Sangrur	Rajpura	31	-	925/275	00	05	48
				-	927/278	00	13	91
				-	929/279	00	01	26
				-				

[F. No. R-25011/13/2007-O.R.-I]
S.K. CHITKARA, Under Secy.

नई दिल्ली, 30 मई, 2008

का. आ. 1287.— केन्द्रीय सरकार ने पैट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2786 दिनांक 24 सितंबर 2007 द्वारा पैट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे उसके पश्चात उक्त अधिनियम कहा जाएगा) की धारा 3(1) के अधीन अधिसूचनाएं प्रकाशित कर, लिक्विफाइड पैट्रोलियम गैस (एल.पी.जी) के परिवहन के लिए हरियाणा राज्य में पानीपत से पंजाब राज्य के नाभा होते हुए पंजाब राज्य के जालंधर तक इंडियन ऑयल कार्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाने हेतु, उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट, पंजाब राज्य की भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी;

और, उक्त अधिसूचना की प्रतियां जनता को 2–3 जनवरी 2008 तक उपलब्ध करा दी गई थी;

और, उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी, ने केन्द्रीय सरकार को अपनी रिर्पोट दे दी है;

और, केन्द्रीय सरकार ने उक्त रिर्पोट पर विचार करने के पश्चात इस अधिसूचना से उपाबद्ध अनुसूची में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषणा करती है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट, भूमि में उपयोग का अधिकार अर्जित किया जाता है;

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस अधिसूचना के प्रकाशन की तिथि से, केन्द्रीय सरकार में निहित होने की बजाय, सभी विल्लंगमों से मुक्त होकर, इंडियन ऑयल कार्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गांव का नाम	हदबस्त संख्या	मुस्तील संख्या	खसरा / किला संख्या	क्षेत्रफल		
						हेक्टेयर	एयर	वर्गमीटर
1		2	3	4	5	6	7	8
संगरुर	संगरुर	मुनशीवाला	29	-	1553-1554/1338/326	00	16	02
		नदामपुर	35	-	1766/384	00	17	28
		बिम्बड़ी	22	-	564/444	00	07	17
				-	565/444	00	08	43
पटियाला	नाभा	रामगढ़	195	50	15/3	00	00	51
				-	107	00	00	76
		बौरां कलां	202	-	1097	00	01	69
		उधा	211	-	54	00	01	01
		बाबरपुर	107	-	827	00	01	28
		पहलियां कलां	95	-	679/410	00	07	17
फतेहगढ़ साहिब	अमलोह	रायपुर चोबदारां	88	21	9/2	00	05	06
				-	10/2	00	02	02
				-	11	00	03	29
				-	19	00	01	01
					22	00	00	51
लुधियाना	खन्ना	रोहनु कलां	264	-	317	00	05	31
				-	320	00	04	30
		कोटला ढ़क	245	-	79	00	01	77
				-	139	00	01	26
				-	434	00	01	28
		देहरु	164	55	21	00	00	76
लुधियाना	समराला	भरथला	89	4	18	00	15	18
		गढ़ी तरखाना	79	-	397	00	01	77

[फा. सं. आर-25011/13/2007-ओ.आर.-I]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 30th May, 2008

S. O. 1287.— Whereas by notification of the government of India in the ministry of Petroleum and Natural gas, published in the Gazette of India vide number S.O. 2786, dated 24th September 2007, issued under sub-section (1) of section 3of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to this notification for the purpose of laying a pipeline for transportation of Liquefied Petroleum Gas (LPG) from Panipat in the State of Haryana to Jallandhar in the State of Punjab via Nabha in the State of Punjab by the Indian Oil Corporation Limited.

And, whereas, the copies of the said Gazette notification were made available to the public between 2nd to 3rd January 2008;

And, whereas the Competent Authority has under Sub-section (1) of section 6 of the said Act, submitted his report to the Central Government;

And, whereas the Central Government after considering the said report is satisfied that the right of user in the land specified in the schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the schedule appended to this notification is acquired;

And, further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

District	Tehsil	Village	Hadbast No.	Mushtil No.	Khasra / Killa No.	Area		
						Hectare	Are	Square Metre
1	2	3	4	5	6	7	8	9
Sangrur	Sangrur	1. Munshiwala	29	-	1553-1554/1338/326	00	16	02
		2. Nadampur	35	-	1766/384	00	17	28
		3. Bimbri	22	-	564/444	00	07	17
				-	565/444	00	08	43
Patiala	Nabha	1. Ramgarh	195	50	15/3	00	00	51
				-	107	00	00	76
		2. Bauran Kalan	202	-	1097	00	01	69
		3. Udha	211	-	54	00	01	01
		4. Baberpur	107	-	627	00	01	26
		5. Phalian Kalan	95	-	679/410	00	07	17
Fatehgarh Sahib	Amloh	1. Raipur chaubdaran	88	21	9/2	00	05	06
					10/2	00	02	02
					11	00	03	29
					19	00	01	01
					22	00	00	51
Ludhiana	Khanna	1. Rohano Kalan	284	-	317	00	05	31
				-	320	00	04	30
		2. Kotla Dhak	245	-	79	00	01	77
				-	139	00	01	26
				-	434	00	01	26
		3. Deheru	164	55	21	00	00	76
Ludhiana	Samrala	1. Bharthala	89	4	18	00	15	18
		2. Garhi Tarkhana	79	-	397	00	01	77

[F. No. R-25011/13/2007-O.R.-I]
S.K. CHITKARA, Under Secy.

नई दिल्ली, 30 मई, 2008

का. आ. 1288.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि तामिलनाडु राज्य में चेन्नई पेट्रोलियम कॉर्पोरेशन लिमिटेड, मनालि कि रिफैनेरी से देवनगुंदि टर्मिनाल, बैगंलोर तक पेट्रोलियम उत्पादों के परिवहन के लिए चेन्नई-बैगंलोर पाइपलाइन परियोजना के कार्यन्वयत हेतु इंडियन ऑयल कार्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अत: अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से, जिसको उक्त अधिनियम की धारा 3 की उप-धारा (1) के अधिन भारत के राजपत्र से यथा प्रकाशित इस अधिसूचना की प्रतियॉ साधारण जनता को उपलब्ध करा दी जाती है, इक्किस दिन के भितर उस भूमि के नीचे पाइपलाइन बिछाने के संबध में श्री जी. जयराज, सक्षम प्राधिकारी, इंडियन आयल कोर्पोरेशन लिमिटेड,ए.टि.एफ्. और चेन्नई-बैन्गलोर पाइपलाइन परियोजना, सं 10, तिरु-भि-का स्ट्रिट, राजाजिपुरम, तिरुवालुर, तामिलनाडु-602 001 को लिखित रुप में आक्षेप भेज सकेगा ।

अनुसूची

तालूका : उत्थुकोटाइ	जिला : तिरुवालुर		राज्य : तामिलनाडु		
गॉव का नाम	सर्वेक्षण सं-खण्ड सं	उप-खण्ड सं.	हेक्टर	एयर	वर्ग मिटर
1	2.	3	4	5	6
93. कोट्टाकुप्पम	95	1ए	00	01	00
24. मेयुर	204	5	0	02	00
	204	3	0	01	62
	656	2	0	01	08
19. ओडाप्पाइ	8	1	0	04	50
	8	2	0	04	50
	8	9ए	0	02	00
	3	1ए	0	28	00
	3	1बी	0	03	53
	3	2ए	0	02	25
	3	3ए	0	05	00
	3	4ए	0	01	00
16. आट्रामवक्कम	17	1सी	0	03	60
	17	1बी	0	01	82
13. मामबक्कम	136	6	0	01	00
	106	4	0	08	00

तालूका : तिरुवालुर	जिला : तिरुवालुर		राज्य : तामिलनाडु		
गॉव का नाम	सर्वेक्षण सं-खण्ड सं	उप-खण्ड सं.	हेक्टर	एयर	वर्ग मिटर
1	2	3	4	5	6
31. वेंगल	425	15	0	02	94
	425	14	0	01	55
	425	16	0	05	76
	425	17	0	04	68

1	2	3	4	5	6
	428	8	0	01	92
	238	1	0	02	00
	238	4ए	0	02	50
	238	4बी	0	1	87
	237	2बी	0	05	40
	237	2ए	0	05	80
	205	2	0	01	40
	203	3	0	01	00
	203	2	0	01	56
	202	3	0	04	36
	199	3	0	05	69
21. एराइयुर	4	2ए	0	03	80
7. सेंड्रामपल्याम	58	2	0	00	40
	525	3	0	01	00

तालूका : तिरुथानि	जिला : तिरुवालुर		राज्य : तामिलनाडु		
गॉव का नाम	सर्वेक्षण सं-खण्ड सं	उप-खण्ड सं.	हेक्टर	एयर	वर्ग मिटर
1	2	3	4	5	6
26. पोनपाडि	144	10	0	01	66
	144	11	0	00	48
	144	12	0	03	24

[फा. सं. आर-25011/11/2007-ओ.आर.-I]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 30th May, 2008

S. O. 1288.— Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum product from Refinery of Chennai Petroleum Corporation Limited, Manali in the State of Tamil Nadu to Devanguthi Terminal, Bangalore, a pipeline should be laid by the Indian Oil Corporation Limited, for implementing the Chennai-Bangalore Pipeline Project.

And whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in the Land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (I) of Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Any person interested in the land described in the said Schedule may within twenty-one days from the date on which the copies of this notification, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the Right of User therein, or laying of pipeline under the land to Shri. G.Jayaraj, Competent Authority, Indian Oil Corporation Limited, ATF & Chennai-Bangalore Pipeline Project, No.10, Thiru-Vi-Ka Street, Rajajipuram, Tiruvallur, Tamilnadu-602 001.

Schedule

Taluk : Uthukottai	District : Tiruvallur		State : Tamilnadu		
Name of the Village	Survey No.	Subdivision No.	Hectare	Are	Square Meter.
1	2	3	4	5	6
93, Kottakuppam	95	1A	0	01	00
24, Meyyur	204	5	0	02	00
	204	3	0	01	62
	656	2	0	01	08
19, Odappai	8	1	0	04	50
	8	2	0	04	50
	8	9A	0	02	00
	3	1A	0	28	00
	3	1B	0	03	53
	3	2A	0	02	25
	3	3A	0	05	00
	3	4A	0	01	00
16, Attrambakkam	17	1C	0	03	60
	17	1B	0	01	82
13, Nambakkam	136	6	0	01	00
	106	4	0	08	00

Taluk : Tiruvallur	District : Tiruvallur		State : Tamilnadu		
Name of the Village	Survey No.	Subdivision No.	Hectare	Are	Square Meter.
1	2	3	4	5	6
31, Vengal	425	15	0	02	94
	425	14	0	01	55
	425	16	0	05	76
	425	17	0	04	68
	428	8	0	01	92
	238	1	0	02	00
	238	4A	0	02	50
	238	4B	0	01	87
	237	2B	0	05	40
	237	2A	0	05	80
	205	2	0	01	40
	203	3	0	01	00
	203	2	0	01	56
	202	3	0	04	36
	199	3	0	05	69
21, Erraiyur	4	2A	0	03	80
7, Sendrayanpalyam	58	2	0	00	40
	525	3	0	01	00

Taluk : Tiruttani	District : Tiruvallur		State : Tamilnadu		
Name of the Village	Survey No.	Subdivision No.	Hectare	Are	Square Meter.
1	2	3	4	5	6
26, Ponpadi	144	10	0	01	66
	144	11	0	00	48
	144	12	0	03	24

[F. No. R-25011/11/2007-O.R.-I]
S.K. CHITKARA, Under Secy.

नई दिल्ली, 30 मई, 2008

का. आ. 1289.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में कोयली से रतलाम तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और केंद्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उक्त भूमि में,जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है और जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए ;

अत: अब, केंद्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम,1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियो का प्रयोग करते हुए, उक्त भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र मे यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के संबंध मे श्रीमती आशा. आर. शाह, सक्षम प्राधिकारी, इंडियन ऑयल कोर्पोरेशन लिमिटेड, मकान नं ३/१२२ ,गुजरात रिफाइनरी टाउनशिप, पो. ओ. जवाहरनगर, वडोदरा -391320 (गुजरात) को लिखित रूप में भेज सकेगा ।

अनुसूची

तालूका : कालोल		जिला : पंचमहल	राज्य : गुजरात		
गॉव का नाम	सर्वेक्षण सं - खण्ड सं.	उपखण्ड सं.	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
जेतपुर (जम्मापुर)	392	3	00	05	40
	392	2	00	09	36
	393	-	00	12	88
	392	1P	00	24	51
	392	5	00	05	40
	410 +411	1	00	10	80

[फा. सं. आर-25011/7/2005-ओ.आर.-I]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 30th May, 2008

S. O. 1289.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Koyali To Ratlam in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Smt. Asha R Shah, Competent Authority, Indian Oil Corporation Limited, at office Qtrs. No.3/122, Gujarat Refinery Township, P.O.Jawaharnagar,Vadodara - 391320(Gujarat)

SCHEDULE

Tehsil:Kalol		District: Panchamahal	State: Gujrat		
Name of the village	SurveyNo	Sub-division No	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
Jetpur (Jamanpur)	392	3	00	05	40
	392	2	00	09	36
	393	-	00	12	88
	392	1P	00	24	51
	392	5	00	05	40
	410 +411	1	00	10	80

[F. No. R-25011/7/2005-O.R.-I]
S.K. CHITKARA, Under Secy.

नई दिल्ली, 2 जून, 2008

का. आ. 1290.— भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में दहेज-हजीरा-ऊरान पाइपलाईन परियोजना के माध्यम से प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाईन बिछाई जानी चाहिए;

और भारत सरकार को उक्त पाइपलाईन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाईन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, भारत सरकार, पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकर का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयाग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध कर दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाईन बिछाए जाने के संबंध में श्री एस. के. राठौर, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, ओल्ड कालोनी, नज़दीक ओ. एन. जी. सी. सर्कल, हजीरा, सूरत (गुजरात) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

जिला	तालुका	गाँव	सर्वे सं.	क्षेत्रफल (हेक्ट. में)
भारुच	हंसोट	दिगस	245	0.0800

[फा. सं. एल-14014/12/2006-जी. पी.(भाग-VII)]

स्नेह प्र. मदान, अवर सचिव

New Delhi, the 2nd June, 2008

S. O. 1290.—Whereas it appears to Government of India that it is necessary in the public interest that for transportation of natural gas through Dahej – Hazira - Uran Pipeline Project in the State of Gujarat, a pipeline should be laid by GAIL (India) Limited;

And, whereas it appears to Government of India that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act 1962 (50 of 1962), Government of India hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Shri S.K. Rathod, Competent Authority, GAIL (India) Limited, Old Colony, Near O.N.G.C. Circle, Hazira, Surat (Gujarat).

Schedule

District	Taluka	Village	Survey No.	Area to be acquired (in Hect.)
Bharuch	Hansot	Digas	245	0.0800

[F. No. L-14014/12/2006-G.P.(Part-VII)]
SNEH P. MADAN, Under Secy.

नई दिल्ली, 4 जून, 2008

का. आ. 1291.—भारत सरकार ने पेट्रोलियम और खनिज पाईपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में भारत सरकार के पैट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 337 (अ) तारीख 11-03-2004 द्वारा श्री विनोद कुमार पाठक, डिप्टी कलैक्टर को मध्य प्रदेश राज्य में मैसर्स गेल (इण्डिया) लिमिटेड द्वारा पाइपलाईन बिछाने के लिए उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए नियुक्त किया था।

और उक्त श्री विनोद कुमार पाठक का स्थानांन्तरण हो गया है और सुश्री मीनाक्षी सिंह, संयुक्त कलैक्टर को उनके पद पर नियुक्त किया गया है।

और उक्त श्री विनोद कुमार पाठक का मैसर्स गेल (इण्डिया) लिमिटेड में अतिरिक्त कार्यभार समाप्त कर दिया गया है।

अतः अब, भारत सरकार उक्त अधिनियम की धारा 2 के खण्ड (क) के अनुसरण में और भारत सरकार के पैट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 337 (अ) तारीख 11-03-2004 को अधिक्रांत करते हुए, नीचे दी गयी अनुसूची के स्तंभ (1) में वर्णित व्यक्ति को उक्त मैसर्स गेल (इण्डिया) लिमिटेड द्वारा पाईपलाइन बिछाने के लिए निम्नलिखित अनुसूची के स्तंभ (2) में वर्णित क्षेत्र में उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए नियुक्त करती है।

अनुसूचि

व्यक्ति का नाम और पता	अधिकारिता का क्षेत्र
(1)	(2)
सुश्री मीनाक्षी सिंह मैसर्स गेल (इण्डिया) लिमिटेड में प्रतिनियुक्ति पर गेल काम्पलेक्स, विजयपुर जिला गुना – 437112 मध्य प्रदेश	सम्पूर्ण मध्य प्रदेश राज्य

[फा. सं. एल-14014/15/2005-जी. पी.]
के. के. शर्मा, अवर सचिव

New Delhi, the 4th June, 2008

S. O. 1291.—Whereas, in pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Government of India vide Notification of Government of India in the Ministry of Petroleum and Natural Gas S.O. 337(E) dated 11.03.2004 appointed Shri Vinod Kumar Pathak, Dy. Collector to perform the functions of the Competent Authority under the said Act for laying of the pipeline by M/s GAIL (India) Limited in the State of Madhya Pradesh.

And, whereas, Shri Vinod Kumar Pathak has been transferred and Smt. Meenakshi Singh, Joint Collector has been posted as his incumbent;

And, whereas, the deputation of the said Shri Vinod Kumar Pathak with M/s GAIL (India) Limited has come to an end;

Now, therefore, in pursuance of clause (a) of Section (2) of the said Act and in supersession of the notification of the Government of India, Ministry of Petroleum & Natural Gas vide S.O. 337 dated 11.03.2004, the Government of India hereby authorizes the person mentioned in column (1) of the schedule given below to perform the functions of the Competent Authority under the said Act for laying pipelines by the said M/s GAIL (India) Limited in the area mentioned in column (2) of the said schedule.

Schedule

Name and Address of the person	Area of Jurisdiction
Smt. Meenakshi Singh, Joint Collector, On deputation basis to M/s. GAIL (India) Limited, GAIL Complex, Vijaipur, Distt. Guna, 473 112 - Madhya Pradesh	Whole State of Madhya Pradesh

[F. No. L-14014/15/2005-G.P.]
K. K. SHARMA, Under Secy.

नई दिल्ली, 5 जून, 2008

का. आ. 1292.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्यप्रदेश राज्य में बीना संस्थापन से राजस्थान राज्य में कोटा तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कार्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्दीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50), की धारा 3 की उपधारा (1) द्वारा प्रदत शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है,

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिये उसमे उपयोग के अधिकार के अर्जन के सम्बन्ध में श्रीमति भगवंती जेठवानी, सक्षम प्राधिकारी, बीना–कोटा पाइपलाइन परियोजना, भारत पेट्रोलियम कार्पोरेशन लिमिटेड,बी–105 इन्द्रा विहार तलवण्डी, कोटा – 324005 (राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : बीना जिला : सागर राज्य : मध्य प्रदेश

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
1	आगासौद	1070	0.2880
		1222/1348	0.0216
		522	0.9700
		523	0.0540
		527	0.0250
		528	0.3240
		529	0.0600
		532	0.2520

अनुसूची

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
2	पुरैना	351	0.0216
		349	0.2088
		516	0.2952
		371	0.2376
		377	0.2952
		378	0.2020
		330	0.1900
		43	0.3024
		39	0.2520
		64	0.6624
3	बेसराकसोई	110	0.2952
4	बाघारूपा	44	0.0020
		42	0.1080
		38	0.4104
		34	0.3240
5	ढाना	10	0.4752

[फा. सं. आर-31015/6/2008-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 5th June, 2008

S. O. 1292.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products Pipeline from Bina terminal in the State of Madhya Pradesh to Kota in the State of Rajasthan should be laid by Bharat Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Smt. Bhagwanti Jethwani , Competent Authority, Bina-kota Pipeline Project, Bharat Petroleum Corporation Limited, B-105 Indra Vihar Talwandi, Kota - 324005 (Rajasthan).

SCHEDULE

TEHSIL : BINA DISTRICT : SAGAR STATE : MADHYA PRADESH

S.No.	NAME OF VILLAGE	SURVEY ND.	AREA IN HECTARE
1	2	3	4
1	AAGASAUD	1070	0.2880
		1222/1348	0.0216
		522	0.9700
		523	0.0540
		527	0.0250
		528	0.3240
		529	0.0600
		532	0.2520
2	PURAINA	351	0.0216
		349	0.2088
		516	0.2952
		371	0.2376
		377	0.2952
		378	0.2020
		330	0.1900
		43	0.3024
		39	0.2520
		64	0.6624
3	BESARAKASOI	110	0.2952

SCHEDULE

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
4	BAGHARUPA	44	0.0020
		42	0.1080
		38	0.4104
		34	0.3240
5	DHHANA	10	0.4752

[F. No. R-31015/6/2008-O.R.-II]
A. GOSWAMI, Under Secy.

नई दिल्ली, 5 जून, 2008

का. आ. 1293.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्यप्रदेश राज्य में बीना संस्थापन से राजस्थान राज्य में कोटा तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कार्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्दीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50), की धारा 3 की उपधारा (1) द्वारा प्रदत शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है,

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियॉ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिये उसमे उपयोग के अधिकार के अर्जन के सम्बन्ध में श्रीमति भगवंती जेठवानी, सक्षम प्राधिकारी, बीना–कोटा पाइपलाइन परियोजना, भारत पेट्रोलियम कार्पोरेशन लिमिटेड,बी–105 इन्द्रा विहार तलवण्डी, कोटा – 324005 (राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : मुंगावली जिला : अशोक नगर राज्य : मध्य प्रदेश

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
1	महाराज खेड़ी	12	0.3986
2	पिपरिया मल्हारगण	44	0.3510
		45	0.2880
		43	0.0975
		30	0.0845
		33	0.1820
		129	0.0150
		37	0.2340
		188	0.1900
3	किरमिचीखेड़ी	7	0.4615
4	मढावल	40	0.6565
		76	0.6825
		82	0.6240
5	नरखेड़ा	390	0.4875
		405	0.5300
		359	0.6800
		418	0.2700
6	मिर्जापुर	106	0.1750
		111	0.2015
		38	0.7955
7	वर्री	93	1.5865
8	सोपरा	16	0.1105
		63	0.0460
		7	1.0700
		12	0.5200
		125	0.2665

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
9	बेरखेड़ी	16	0.1125
10	सुमेर	72	0.2600
		95	0.1040
		73	0.0040
		74	0.3105
		81	0.4220
		141	0.5200
11	झागर बमूरिया	61	0.8290
12	खेरखाड़ी	16	0.2100
		17	0.5525
		21	0.0200
		24	0.9425
13	अमोदा	41	0.2900
		42	0.4450
		52	0.2200
		51	0.6815
		58	0.4745
14	मथाना	31	0.2405
		2	2.5480
		39	0.6200
		120	1.3800
15	पाटन	13	1.0075
		72	0.2000
16	फुलेदी	172	0.0715
		176	2.5380
		175	0.3705
17	सागर अथाई	226	1.0400

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
18	बेलई	273	0.1500
		54	1.2300
19	अथाई खेड़ा	57	0.0800
		727	0.0600
		950	0.0040
20	श्यामपुरा	61	0.0780
		118	0.5285
		117	0.2035
		63	0.3735

[फा. सं. आर-31015/5/2008-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 5th June, 2008

S. O. 1293.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products Pipeline from Bina terminal in the State of Madhya Pradesh to Kota in the State of Rajasthan should be laid by Bharat Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Smt. Bhagwanti Jethwani , Competent Authority, Bina-kota Pipeline Project, Bharat Petroleum Corporation Limited, B-105 Indra Vihar Talwandi, Kota - 324005 (Rajasthan).

SCHEDULE

TEHSIL : MUNGAWALI DISTRICT : ASHOK NAGAR STATE : MADHYA PRADESH

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1	MAHARAJKHEDHI	12	0.3986
2	PIPARIYA MALHARGAN	44	0.3510
		45	0.2880
		43	0.0975
		30	0.0845
		33	0.1820
		129	0.0150
		37	0.2340
		188	0.1900
3	KIRMICHIKHEDHI	7	0.4615
4	MADHHAWAL	40	0.6565
		76	0.6825
		82	0.6240
5	NARKHEDA	390	0.4875
		405	0.5300
		359	0.6800
		418	0.2700
6	MIRJAPUR	106	0.1750
		111	0.2015
		38	0.7955
7	VARRI	93	1.5865
8	SOPRA	16	0.1105
		63	0.0460
		7	1.0700
		12	0.5200
		125	0.2665

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
9	BERKHEDHI	16	0.1125
10	SUMER	72	0.2600
		95	0.1040
		73	0.0040
		74	0.3105
		81	0.4220
		141	0.5200
11	JHAGAR BAMURIYA	61	0.8290
12	KHERKHADHI	16	0.2100
		17	0.5525
		21	0.0200
		24	0.9425
13	AMODA	41	0.2900
		42	0.4450
		52	0.2200
		51	0.6815
		58	0.4745
14	MATHANA	31	0.2405
		2	2.5480
		39	0.6200
		120	1.3800
15	PATAN	13	1.0075
		72	0.2000
16	PHULEDI	172	0.0715
		176	2.5380
		175	0.3705

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
17	SAGAR ATHAI	226	1.0400
18	BELAI	273	0.1500
19	ATHAI KHEDA	54	1.2300
		57	0.0800
		727	0.0600
		950	0.0040
20	SHYAMPURA	61	0.0780
		118	0.5285
		117	0.2035
		63	0.3735

[F. No. R-31015/5/2008-O.R.-II]
A. GOSWAMI, Under Secy.

नई दिल्ली, 5 जून, 2008

का. आ. 1294.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 164 तारीख 22 जनवरी, 2008, जो भारत के राजपत्र तारीख 26 जनवरी, 2008 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में बीना संस्थापन से राजस्थान राज्य में कोटा तक पेट्रोलियम उत्पादों के परिवहन के लिए बीना–कोटा पाइपलाइन परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 21 अप्रेल,2008 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात , और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चिय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता हैं ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : अन्ता जिला : बारां राज्य : राजस्थान

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
1	जयनगर	400	0.1170
		401	0.1134
		402/572	0.0300
		402	0.0468
		403	0.0958
		404	0.0864
		405	0.1872
		410	0.3510
		411	0.0020
		412	0.0216
		413	0.0720
		414	0.1080
		419	0.1170
		421/613	0.6200
		421	0.3230
		421/609	0.0054
		431	0.2520
		430	0.1180
		433	0.3240
		514	0.0144
		515	0.1440
		515/639	0.1440
		515/633	0.1530
		509	0.1656
		508	0.0720
		507	0.1224
		506	0.0720
		492	0.3950
		678/492	0.3950
		491	0.3312
		489	0.4156
		483	0.3330
		542/551	0.0252
		399/570	0.0288
		406	0.0536
		408	0.0072

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	जयनगर (जारी...)	418	0.0150
		404/589	0.0020
2	भोराजेडी	190	0.0090
		189	0.0045
3	बड़वा	2907	0.0396
		2908	0.1620
		2914	0.2016
		2915	0.0540
		2901	0.0576
		2900	0.0936
		2899	0.0020
		2897	0.1080
		2896	0.0396
		2895	0.0020
		2891	0.0450
		2892	0.0020
		2890	0.0200
		2889	0.0200
		2888	0.0200
		2887	0.0216
		2886	0.0035
		2879	0.0020
		2880	0.0144
		2881	0.1800
		2598	0.0540
		2597	0.0630
		2603	0.2268
		2604	0.1880
		2860	0.0216
		2859	0.0350
		2857	0.0036
		2858	0.0324
		2845	0.0756
		2844	0.0630
		2847	0.1870
		2841	0.1620

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	बड़वा (जारी.....)	2839	0.0936
		2831	0.1008
		2830	0.0576
		2824	0.0720
		2825	0.1100
		2809	0.0180
		2798	0.0630
		2799	0.1680
		2801	0.1570
		2781	0.0630
		2782	0.0432
		2791	0.2430
		2783	0.0720
		2786	0.1350
		2769	0.0810
		2768	0.0450
		2767	0.0450
		2765	0.3440
		2764	0.0144
		2763	0.4900
		2762	0.0288
		2099	0.3852
		2088	0.0020
		2087	0.0936
		2086	0.0360
		2085	0.0108
		2081	0.0396
		2079	0.0180
		2075	0.1620
		2074	0.0180
		2073	0.2160
		2069	0.0020
		2066	0.0216
		2067	0.1080

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	बड़वा (जारी...)	2064	0.0252
		2065	0.0720
		1728	0.2340
		1728/3520	0.0020
		1728/3522	0.1800
		3196	0.0030
		1727	0.0720
		3207	0.0936
		3208	0.0818
		3206	0.0990
		3209	0.0252
		3210	0.0360
		3211	0.0540
		3212	0.0540
		3398	0.2538
		3399	0.0360
		3418	0.0100
		3417	0.0548
		3420	0.0324
		3421	0.1240
		3423	0.0324
		3424	0.0144
		3425	0.1170
		3411	0.0036
		3429	0.1036
		3410	0.0242
		3405	0.0020
		3409	0.1100
		3431	0.0900
		3432	0.1300
		3434	0.0020
		3435	0.0800
		3449	0.0750
		3450	0.7740

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
4	लिसाड़ी	18	0.0216
		18	0.3996
		59	0.2016
		87	0.0450
		105	0.0540
		104	0.1098
		106	0.1836
		103	0.0396
		132	0.1620
		131	0.0900
		130	0.1650
		129	0.1080
		136	0.0020
		127	0.5040
		143	0.1224
		144	0.1224
		146	0.1116
		147	0.0040
		151	0.1800
		152	0.1656
		150	0.0160
		154	0.0150
		149/873	0.1710
		206/899	0.0774
		208	0.0684
		207	0.2034
		205	0.1656
		204	0.0020
		190	0.0020
		202	0.1530
		193	0.0216
		194	0.0864
		195	0.0040
		196	0.1008
		197	0.0900

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	लिसाड़ी (जारी....)	276	0.0090
		277	0.0450
		282	0.2480
		283	0.1350
		285	0.1080
		286	0.0630
		286/890	0.0720
		340	0.0900
		343	0.0090
5	गुलाबपुरा	134	0.0020
		135	0.1620
		136	0.4212
		140	0.0756
		141	0.3600
		92/268	0.0360
		88	0.0720
		89	0.2880
		84	0.3096
		155	0.0936
		166	0.2052
		167	0.0864
		206	0.0020
		205	0.1440
		203	0.0180
		202	0.0010
		201	0.2016
		200	0.0360
		199	0.1008
		198	0.2196
		197	0.1440
		210	0.0228
		216	0.1530
		217	0.0612

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	गुलाबपुरा (जारी....)	218	0.1548
		219	0.1170
		219/252	0.0864
6	गोपालपुरा	86	0.1806
		87	0.0152
		88	0.0216
		90	0.2210
		91	0.0150
		95	0.1778
		112	0.0534
		116	0.1000
		118	0.2426
		119	0.2354
		120	0.0144
		123	0.0144
		127	0.2858
		128	0.1534
		129	0.0400
		129/303	0.0020
		131	0.0288
		138	0.1606
		139	0.0770
		141	0.0482
		280	0.0720
		281	0.1250
		283	0.0252
		289	0.0540
		290	0.1600
7	अमलसरा	1	0.3096
		3	0.0612
		4	0.0648
		5	0.0504
		2	0.0414

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
8	बमूलियामाताजी	26	0.0108
		25	0.0738
		24	0.0576
		2	0.0040
		3	0.0324
		4	0.2160
		8	0.1080
		9	0.1170
		13	0.0540
		14	0.0936
		19	0.2610
		70	0.0252
		77	0.2556
		76	0.0576
		103	0.0738
		104	0.0504
		105	0.0738
		106	0.0720
		108	0.1296
		109/898	0.0144
		109	0.0756
		118	0.0360
		144	0.0018
		144/1003	0.0180
		147	0.0720
		148	0.1080
		146	0.1080
		145	0.0018
		145/876	0.0288
		137	0.0054
		138	0.0648
		136	0.0504
		181	0.0720

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	बमूलियामाताजी (जारी..)	182	0.0144
		235	0.1728
		232	0.1260
		233	0.0018
		231	0.0360
		241	0.0288
		258	0.0720
		259	0.0054
		257	0.2808
		255	0.0018
		391	0.0540
		388	0.1260
		362	0.0396
		359	0.0720
		358	0.0360
		343	0.1080
		344	0.0018
		342	0.0630
		329	0.0090
		330	0.0540
		331	0.2160
		332	0.0630
		333	0.1584
		334	0.0360
		336	0.1620
		335	0.1440
		337	0.1260
9	आमा	147	0.0090
		148	0.1890
		154	0.0360
		155	0.0810
		153	0.0216
		156	0.0020
		169	0.3140

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	आमा (जारी.....)	168	0.0020
		171	0.0300
		172	0.1800
		165	0.2052
		184	0.0360
		192/269	0.3100
		192	0.3230
		191	0.1728
		210	0.1368
		211	0.0144
		226	0.2250
		243	0.1512
		244	0.0090
		246	0.1260
		245	0.0020
		250	0.0676
10	दुगारी	194	0.2700
		195	0.0252
		202	0.0684
		203	0.1080
		206	0.0020
		207	0.0288
		208	0.0450
		209	0.0810
		213	0.0252
		214	0.0576
		231	0.3888
		275	0.1620
		276	0.1170
		277	0.1260
		279	0.0504
		282	0.1800
		283	0.0020
		286	0.0720

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	दुगारी (जारी.....)	287	0.0360
		288	0.0540
		292	0.0040
		293	0.0684
		320	0.2232
		321/1135	0.1080
		324	0.1800
		323	0.0936
		477	0.0540
		478	0.0324
		479	0.0324

[फा. सं. आर-31015/1/2008-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 5th June, 2008

S. O. 1294.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No.164, dated the 22nd January, 2008, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act) published in the Gazette of India dated the 26th January, 2008, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying a pipeline for transportation of petroleum products through Bina-Kota Pipeline Project from Bina terminal in the State of Madhya Pradesh to Kota in the State of Rajasthan by Bharat Petroleum Corporation Limited ;

And whereas the copies of the said Gazette notification were made available to the public on the 21st April, 2008;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

TEHSIL : ANTA **DISTRICT : BARAN** **STATE : RAJASTHAN**

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1	JAI NAGAR	400	0.1170
		401	0.1134
		402/572	0.0300
		402	0.0468
		403	0.0958
		404	0.0864
		405	0.1872
		410	0.3510
		411	0.0020
		412	0.0216
		413	0.0720
		414	0.1080
		419	0.1170
		421/613	0.6200
		421	0.3230
		421/609	0.0054
		431	0.2520
		430	0.1180
		433	0.3240
		514	0.0144
		515	0.1440
		515/639	0.1440
		515/633	0.1530
		509	0.1656
		508	0.0720
		507	0.1224
		506	0.0720
		492	0.3950
		678/492	0.3950
		491	0.3312
		489	0.4156
		483	0.3330
		542/551	0.0252
		399/570	0.0288
		406	0.0536
		408	0.0072

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	JAI NAGAR Contd....	418	0.0150
		404/589	0.0020
2	BHORAJEDI	190	0.0090
		189	0.0045
3	BADHVA	2907	0.0396
		2908	0.1620
		2914	0.2016
		2915	0.0540
		2901	0.0576
		2900	0.0936
		2899	0.0020
		2897	0.1080
		2896	0.0396
		2895	0.0020
		2891	0.0450
		2892	0.0020
		2890	0.0200
		2889	0.0200
		2888	0.0200
		2887	0.0216
		2886	0.0035
		2879	0.0020
		2880	0.0144
		2881	0.1800
		2598	0.0540
		2597	0.0630
		2603	0.2268
		2604	0.1880
		2860	0.0216
		2859	0.0350
		2857	0.0036
		2858	0.0324
		2845	0.0756
		2844	0.0630
		2847	0.1870
		2841	0.1620

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	BADHVA Contd....	2839	0.0936
		2831	0.1008
		2830	0.0576
		2824	0.0720
		2825	0.1100
		2809	0.0180
		2798	0.0630
		2799	0.1680
		2801	0.1570
		2781	0.0630
		2782	0.0432
		2791	0.2430
		2783	0.0720
		2786	0.1350
		2769	0.0810
		2768	0.0450
		2767	0.0450
		2765	0.3440
		2764	0.0144
		2763	0.4900
		2762	0.0288
		2099	0.3852
		2088	0.0020
		2087	0.0936
		2086	0.0360
		2085	0.0108
		2081	0.0396
		2079	0.0180
		2075	0.1620
		2074	0.0180
		2073	0.2160
		2069	0.0020
		2066	0.0216
		2067	0.1080

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	BADHVA Contd....	2064	0.0252
		2065	0.0720
		1728	0.2340
		1728/3520	0.0020
		1728/3522	0.1800
		3196	0.0030
		1727	0.0720
		3207	0.0936
		3208	0.0818
		3206	0.0990
		3209	0.0252
		3210	0.0360
		3211	0.0540
		3212	0.0540
		3398	0.2538
		3399	0.0360
		3418	0.0100
		3417	0.0548
		3420	0.0324
		3421	0.1240
		3423	0.0324
		3424	0.0144
		3425	0.1170
		3411	0.0036
		3429	0.1036
		3410	0.0242
		3405	0.0020
		3409	0.1100
		3431	0.0900
		3432	0.1300
		3434	0.0020
		3435	0.0800
		3449	0.0750
		3450	0.7740

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
4	LISADHI	16	0.0216
		18	0.3996
		59	0.2016
		67	0.0450
		105	0.0540
		104	0.1098
		106	0.1836
		103	0.0396
		132	0.1620
		131	0.0900
		130	0.1650
		129	0.1080
		136	0.0020
		127	0.5040
		143	0.1224
		144	0.1224
		146	0.1116
		147	0.0040
		151	0.1800
		152	0.1656
		150	0.0180
		154	0.0150
		149/873	0.1710
		206/899	0.0774
		208	0.0684
		207	0.2034
		205	0.1656
		204	0.0020
		190	0.0020
		202	0.1530
		193	0.0216
		194	0.0864
		195	0.0040
		196	0.1008
		197	0.0900

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	LISADHI Contd.....	276	0.0090
		277	0.0450
		282	0.2480
		283	0.1350
		285	0.1080
		286	0.0630
		286/890	0.0720
		340	0.0900
		343	0.0090
5	GULABPURA	134	0.0020
		135	0.1620
		136	0.4212
		140	0.0756
		141	0.3600
		92/268	0.0360
		88	0.0720
		89	0.2880
		84	0.3096
		155	0.0936
		166	0.2052
		167	0.0864
		206	0.0020
		205	0.1440
		203	0.0180
		202	0.0010
		201	0.2016
		200	0.0360
		199	0.1008
		198	0.2196
		197	0.1440
		210	0.0228
		216	0.1530
		217	0.0612

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	GULABPURA Contd...	218	0.1548
		219	0.1170
		219/252	0.0864
6	GOPALPURA	86	0.1806
		87	0.0152
		88	0.0216
		90	0.2210
		91	0.0150
		95	0.1778
		112	0.0534
		116	0.1000
		118	0.2426
		119	0.2354
		120	0.0144
		123	0.0144
		127	0.2858
		128	0.1534
		129	0.0400
		129/303	0.0020
		131	0.0288
		138	0.1606
		139	0.0770
		141	0.0482
		280	0.0720
		281	0.1250
		283	0.0252
		289	0.0540
		290	0.1600
7	AMALSARA	1	0.3096
		3	0.0612
		4	0.0648
		5	0.0504
		2	0.0414

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
8	BAMULIYA MATAJI	26	0.0108
		25	0.0738
		24	0.0576
		2	0.0040
		3	0.0324
		4	0.2160
		8	0.1080
		9	0.1170
		13	0.0540
		14	0.0936
		19	0.2610
		70	0.0252
		77	0.2556
		76	0.0576
		103	0.0738
		104	0.0504
		105	0.0738
		106	0.0720
		108	0.1296
		109/898	0.0144
		109	0.0756
		118	0.0360
		144	0.0018
		144/1003	0.0180
		147	0.0720
		148	0.1080
		146	0.1080
		145	0.0018
		145/876	0.0288
		137	0.0054
		138	0.0648
		136	0.0504
		181	0.0720

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	BAMULIYA MATAJI Contd...	182	0.0144
		235	0.1728
		232	0.1260
		233	0.0018
		231	0.0360
		241	0.0288
		258	0.0720
		259	0.0054
		257	0.2808
		255	0.0018
		391	0.0540
		388	0.1260
		362	0.0396
		359	0.0720
		358	0.0360
		343	0.1080
		344	0.0018
		342	0.0630
		329	0.0090
		330	0.0540
		331	0.2160
		332	0.0630
		333	0.1584
		334	0.0360
		336	0.1620
		335	0.1440
		337	0.1260
9	AAMA	147	0.0090
		148	0.1890
		154	0.0360
		155	0.0810
		153	0.0216
		156	0.0020
		169	0.3140

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	AAMA Contd.....	168	0.0020
		171	0.0300
		172	0.1800
		165	0.2052
		184	0.0360
		192/269	0.3100
		192	0.3230
		191	0.1728
		210	0.1368
		211	0.0144
		226	0.2250
		243	0.1512
		244	0.0090
		246	0.1260
		245	0.0020
		250	0.0676
10	DUGARI	194	0.2700
		195	0.0252
		202	0.0684
		203	0.1080
		206	0.0020
		207	0.0288
		208	0.0450
		209	0.0810
		213	0.0252
		214	0.0576
		231	0.3888
		275	0.1620
		276	0.1170
		277	0.1260
		279	0.0504
		282	0.1800
		283	0.0020
		286	0.0720

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	DUGARI Contd....	287	0.0360
		288	0.0540
		292	0.0040
		293	0.0684
		320	0.2232
		321/1135	0.1080
		324	0.1800
		323	0.0936
		477	0.0540
		478	0.0324
		479	0.0324

[F. No. R-31015/1/2008-O.R.-II]
A. GOSWAMI, Under Secy.

नई दिल्ली, 5 जून, 2008

का. आ. 1295.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 305 तारीख 12 फरवरी, 2008, जो भारत के राजपत्र तारीख 16 फरवरी, 2008 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में बीना संस्थापन से राजस्थान राज्य में कोटा तक पेट्रोलियम उत्पादों के परिवहन के लिए बीना–कोटा पाइपलाइन परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;
और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 30.अप्रेल,2008 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात , और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है. उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चिय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता हैं ;
और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : सांगोद जिला : कोटा राज्य : राजस्थान

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
1	सलोनिया	33	0.0720
		29	0.0360
		24	0.1100
		22	0.2664
		30	0.1100
		94	0.1900
		93	0.2664
		82	0.1008
		89	0.1728
		88	0.2450
		87	0.0300
		105	0.0450
		131	0.1600
		132	0.1600
		128	0.0054
		134	0.0504
		135	0.0216
		125	0.0018
		137	0.2232
		139	0.0648
		140	0.1080
		165	0.0990
		166	0.0018
		164	0.0126
		190	0.0954
		178	0.0020
		189	0.0900
		188	0.0450
		185	0.0288
		186	0.0162

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	सलोनिया (जारी....)	187	0.0018
		184	0.0450
		183	0.2952
		34	0.0360
2	खेड़लीगुड़ला	1	0.3816
		137	0.1050
		136	0.0150
		21	0.0050
		22	0.1152
		132	0.0100
		131	0.1224
		26	0.0750
		130	0.0030
		27	0.2232
		128	0.1368
		36	0.1152
		37	0.2592
		40	0.0950
		43	0.0360
		49	0.2520
		50	0.0800
		54	0.0800
		56	0.1200
		57	0.0040
		63	0.1000
		84	0.0600
		76	0.2808
		77	0.0100
		91	0.1000
		78	0.0600

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
	खेड़लीगुड़ला (जारी....)	90	0.0350
		84	0.1080
		85	0.0360
		86	0.2750
		88	0.0864
		87	0.0360

[फा. सं. आर-31015/4/2008-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 5th June, 2008

S. O. 1295.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No.305, dated the 12th Febuary, 2008, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act) published in the Gazette of India dated the 16th Febuary, 2008, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying a pipeline for transportation of petroleum products through Bina-Kota Pipeline Project from Bina terminal in the State of Madhya Pradesh to Kota in the State of Rajasthan by Bharat Petroleum Corporation Limited ;

And whereas the copies of the said Gazette notification were made available to the public on the 30th April, 2008;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

TEHSIL : SANGOD DISTRICT : KOTA STATE : RAJASTHAN

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1	SALONIYA	33	0.0720
		29	0.0360
		24	0.1100
		22	0.2664
		30	0.1100
		94	0.1900
		93	0.2664
		82	0.1008
		89	0.1728
		88	0.2450
		87	0.0300
		105	0.0450
		131	0.1600
		132	0.1600
		128	0.0054
		134	0.0504
		135	0.0216
		125	0.0018
		137	0.2232
		139	0.0648
		140	0.1080
		165	0.0990
		166	0.0018
		164	0.0126
		190	0.0954
		178	0.0020
		189	0.0900
		188	0.0450
		185	0.0288
		186	0.0162

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	SALONIYA Contd...	187	0.0018
		184	0.0450
		183	0.2952
		34	0.0360
2	KHEDLIGUDLA	1	0.3816
		137	0.1050
		136	0.0150
		21	0.0050
		22	0.1152
		132	0.0100
		131	0.1224
		28	0.0750
		130	0.0030
		27	0.2232
		128	0.1368
		36	0.1152
		37	0.2592
		40	0.0950
		43	0.0360
		49	0.2520
		50	0.0800
		54	0.0800
		56	0.1200
		57	0.0040
		63	0.1000
		64	0.0600
		76	0.2808
		77	0.0100
		91	0.1000
		78	0.0600

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
	KHEDLIGUDLA Contd....	90,	0.0350
		84	0.1080
		85	0.0360
		86	0.2750
		88	0.0864
		87	0.0360

[F. No. R-31015/4/2008-O.R.-II]
A. GOSWAMI, Under Secy.

नई दिल्ली, 5 जून, 2008

S. O. 1296.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्यप्रदेश राज्य में बीना संस्थापन से राजस्थान राज्य में कोटा तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कार्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्दीय सरकार को, ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50), की धारा 3 की उपधारा (1) द्वारा प्रदत शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है,

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियॉ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिये उसमे उपयोग के अधिकार के अर्जन के सम्बन्ध में श्रीमति भगवंती जेठवानी, सक्षम प्राधिकारी, बीना–कोटा पाइपलाइन परियोजना, भारत पेट्रोलियम कार्पोरेशन लिमिटेड,बी–105 इन्द्रा विहार तलवण्डी, कोटा – 324005 (राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : अशोक नगर जिला : अशोक नगर राज्य : मध्य प्रदेश

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
1	खजूरिया खुर्द	173	0.1625
2	बीरपुर	133	0.0800
		113	0.5495
		101	0.3900
3	सागर	7	0.0325
		85	0.0585
		208	0.0715
		86	0.2080
		88	0.0910
		110	0.3125
4	आमखेड़ा तूमेन	266	0.0715
		3	0.1755
		1	0.6910
5	डंगाही	257	0.1500
		41	0.0975
		252	0.2500
6	भैसरवारा	732	0.0150
		76	0.1625
		614	0.1305
		496	0.2990
		499	0.1655
		475	0.1610
		473	0.0590

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
7	बासरा	131	0.3000
		133	0.4450
		122	0.2650
		107	0.4665
8	कुरवाय	117	0.0900
9	ककरूआराय	307	0.0050
		302	0.0150
		304	0.4120
10	बहेरी पछार	12	0.0845
		14	0.3835
		15	0.3185
11	दमोह	245	0.1560
		244	0.1400
12	मढ़ी कानूनगो	24	0.0040
		110	0.1235
		382	0.3705
		20	0.2600
		42	0.1690
		404	0.4945
13	विजयपुरा	67	0.0910
		95	0.2000
		102	0.0040
		96	0.1300
		54	0.0845
		203	0.2435

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
14	कैथाई	78	0.3030
		180	0.0050
		148	0.1040
15	केलारस	51	0.1885
		41	0.2210
		28	0.3620

[फा. सं. आर-31015/8/2008-ओ.आर.-II]
ए. गोस्वामी, अवर सचिव

New Delhi, the 5th June, 2008

S.O. 1296.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products Pipeline from Bina terminal in the State of Madhya Pradesh to Kota in the State of Rajasthan should be laid by Bharat Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Smt. Bhagwanti Jethwani , Competent Authority, Bina-kota Pipeline Project, Bharat Petroleum Corporation Limited, B-105 Indra Vihar Talwandi, Kota - 324005 (Rajasthan).

SCHEDULE

TEHSIL : ASHOK NAGAR DISTRICT : ASHOK NAGAR STATE : MADHYA PRADESH

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1	KHAJURIA KHURD	173	0.1625
2	BIRPUR	133	0.0800
		113	0.5495
		101	0.3900

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
3	SAGAR	7	0.0325
		85	0.0585
		208	0.0715
		86	0.2080
		88	0.0910
		110	0.3125
4	AMKHEDA TUMEN	266	0.0715
		3	0.1755
		1	0.6910
5	DANGAHI	257	0.1500
		41	0.0975
		252	0.2500
6	BHAISARWAS	732	0.0150
		76	0.1625
		614	0.1305
		496	0.2990
		499	0.1655
		475	0.1610
		473	0.0590
7	BASRA	131	0.3000
		133	0.4450
		122	0.2650
		107	0.4665
8	KURVAY	117	0.0900
9	KAKRUARAY	307	0.0050
		302	0.0150
		304	0.4120

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
10	BAHERI PACHHAR	12	0.0845
		14	0.3835
		15	0.3185
11	DAMOH	245	0.1560
		244	0.1400
12	MADHI KANUNGO	24	0.0040
		110	0.1235
		382	0.3705
		20	0.2600
		42	0.1690
		404	0.4945
13	VIJAYPURA	67	0.0910
		95	0.2000
		102	0.0040
		96	0.1300
		54	0.0845
		203	0.2435
14	KAITHAI	78	0.3030
		180	0.0050
		148	0.1040
15	KELARAS	51	0.1885
		41	0.2210
		28	0.3620

[F. No. R-31015/8/2008-O.R.-II]
A. GOSWAMI, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 13 मई, 2008

का. आ. 1297.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरदर्शन के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 64/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/193/2001-आई आर (सीएम-II)]
अजय कुमार गौड़, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 13th May, 2008

S.O. 1297.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 64/2002) of the Central Government Industrial Tribunal-cum-Labour Court No. II, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Doordarshan and their workmen, which was received by the Central Government on 13-5-2008.

[No. L-42012/193/2001-IR (CM-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

PRESENT :

R.N. Rai, Presiding Officer

I.D. No. 64/2002

IN THE MATTER OF :

Shri Chhotey Lal,
C/o. Janvadi General Kamgar Union,
E-26 (Old Qtrs.),
Raja Bazar, DIZ Area,
B.K.S. Marg, New Delhi-110 001

Versus

The Director General,
Doordarshan,
Mandi House,
New Delhi-110 001.

AWARD

The Ministry of Labour by its letter No. L-42012/193/2001-IR (CM-II) dated 25-5-2000/30-5-2000 has referred the following point for adjudication.

The point runs as hereunder :

"Whether the action of the management of Doordarshan, New Delhi in terminating the services of Sh. Chhotey Lal, Ex. Casual Labour w.e.f. 30-9-1994 is justified ? If not, to what relief and benefits he is entitled to and from which date ?"

The case of the workman is that he was initially engaged as casual labour on Group-D post on 26-5-1992 and performed the duties of Peon-cum-Waterman, sweeping in the unit of Doordarshan Service.

He filed OA before CAT. The CAT vacated the stay on 18-11-1992 and observed that whenever there is need of casual labour, the workman will be given preference. The management afforded him work from 1st June, 1994 to 30th September, 1994.

The management handed over the work to contract labour to deny the work and regular status to the workman against the decision of the Hon'ble Supreme Court. The management appointed Sh. Sushil in the month of October, 2000 on Group-D post. List of casual labourers have not been prepared by the management. The workman is entitled to re-employment and preference in view of Section 25 H of the ID Act, 1947.

The case of the management is that the workman was engaged as casual labour (waterman) for seasonal requirement on Group-D post at the office of Controller of Sales, Doordarshan on 26-5-1992. The said workman continued to work till 25-9-1992, thereafter the services of the said workman were not required as he was no more required as casual labour. He filed OA before the CAT. The CAT on 30-9-1992 passed an interim order to maintain status quo ante as regards continuance of the said workman as casual labour. On 18-11-1992 the CAT directed the management that in case job of casual nature is available with the management the workman should be given preference. The workman has been again given engagement from 1st June, 1994 to 30th September, 1994.

The workman Sh. Sushil Kumar was appointed on compassionate grounds. The management is not engaging casual labourers.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he worked for the first spell from 26-5-1992 to 18-11-1992 and he was given engagement again for three

months in the year 1994. Juniors to the workman have been retained while his services have been terminated. The management has given regular appointment to Sh. Sushil Kumar in the month of October, 2000 on the regular job of a Peon.

It was submitted from the side of the management that the workman was engaged as waterman from 26-5-1992 to 30-9-1992. He approached CAT and the CAT ordered to maintain status quo ante. The workman was continued till 18-11-1992 thereafter the stay was vacated by the CAT.

However, in the light of the observation of the CAT the management again gave him engagement for a period of three months in 1994.

The workman has not filed any document in support of his claim except of his affidavit. According to the claim version the workman was given three months appointment as waterman/casual labour from 26-5-1992 to 30-9-1992. However, his temporary engagement was extended upto 18-11-1992 in the light of the order of the CAT. So the workman has completed only three months job. However, he worked for more two months in view of the stay order of the CAT. The CAT vacated the stay order on 18-11-1992 and the workman ceased to work.

It is quite vivid from the record that the workman was given engagement in 1994 for three months only.

The workman has not filed any document to show that the management has continued casual labourers junior to him. Sh. Sushil Kumar was given appointment on compassionate grounds in the year 1992. The workman has worked from 26-5-1992 to 18-11-1992 almost for six months. Engagement to the workman was given by the management after the order to maintain status quo from 1-9-1992 to 18-11-1992. It has not been pointed out that the management is still engaging casual labourers. No documents have been filed in support of the claim.

My attention was drawn to office memorandum of 10th September, 1983, the government observed that those casual labourers who have worked for one year should be given temporary status. This workman has never worked for one year. He has worked for three months in 1992 and again three months in the year 1994. The management has not infringed Section 25F of the ID Act, 1947 as it has not been established that any casual labour junior to the workman has been continued in service.

The reference is replied thus :

The action of the management of Doordarshan, New Delhi in terminating the services of Sh. Chhotey Lal, Ex.-Casual Labour w.e.f. 30-9-1994 is justified. The workman/applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Dated : 12-5-2008 R.N. RAI, Presiding Officer

नई दिल्ली, 13 मई, 2008

का. आ. 1298.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान एरोनोटिक लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कोलकाता के पंचाट (संदर्भ संख्या 34/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/243/2003-आई आर (सीएम-II)]
अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 13th May, 2008

S.O. 1298.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 34/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Kolkata as shown in the Annexure, in the Industrial Dispute between the management of Hindustan Aeronautics Limited and their workmen, which was received by the Central Government on 13-5-2008.

[No. L-42012/243/2003-IR (CM-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 34 of 2004

PRESENT :

Mr. Justice C.P. Mishra, Presiding Officer

Parties :

Employers in relation to the management of Hindustan Aeronautics Limited

AND

Their Workman

APPEARANCE :

On behalf of the Management : Mr. D.K. Ghosh, Advocate with Mr. R. De, Advocate.

On behalf of the Workmen : Mr. S. Dhar, Advocate.

Dated : 7th May, 2008 Industry : Aviation

AWARD

By Order No. L-42012/243/2003-IR (CM-II) dated 19-8-2004 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A)

of the industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Hindusthan Aeronautics Limited, Barrackpore (W.B.) by not extending the benefit of performance pay scheme to the casual workmen of the Company and thereby discriminating between two sets of workmen in violation of the provisions of the Act or not ? If yes, to what remedy the workmen are entitled ?"

2. When the case is called out today, none appears for the workmen nor any step is taken on their behalf to proceed with the present reference. Management is represented by its learned Advocate who has pointed out that no step is taken on behalf of the workmen to prove their case and as such it is clear that they are no longer interested in the present reference. It is prayed that the present reference be disposed of by passing a "No Dispute" Award.

3. From a perusal of the records of this case it appears that the parties completed their pleadings and the workmen were directed to adduce evidence by order dated 8-11-2005. But since then no step is taken on behalf of the workmen to adduce evidence in spite of several opportunities being given for the purpose. Accordingly by order dated 3-3-2008 today was fixed for giving a last opportunity to the workmen to adduce evidence a notice was also directed to be issued to them for the purpose. But, in spite of receipt of notice none appears for the workmen today not any step is taken on their behalf to adduce evidence. It is thus clear that the workmen are no longer interested to proceed further with the present reference.

4. Since the workmen are not interested to proceed further in this reference as stated above, this Tribunal has no other alternative but to dispose of the same by passing a "No Dispute" Award as prayed for on behalf of the management. A "No Dispute" Award is accordingly passed and the reference is disposed of.

Dated, Kolkata,
the 7th May, 2008. C.P. MISHRA, Presiding Officer

नई दिल्ली, 13 मई, 2008

का. आ. 1299.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न कोलफील्ड्स लिमिटेड के प्रबंधसंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 52/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-5-2008 को प्राप्त हुआ था।

[सं: एल-22012/475/1994-आई आर (सी-II)]
अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 13th May, 2008

S.O. 1299.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 52/1995) of Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Western Coalfields Limited and their workman, which was received by the Central Government on 13-5-2008.

[No. L-22012/475/1994-IR (C-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/52/95

Shri C.M. Singh, Presiding Officer

The Sr. Vice President,
R.K.K.M.S. (INTUC),
Post Chandametta,
Distt. Chhindwara ... Workman/Union

Versus

The Chief Engineer (W),
Nandan Colliery via Junnardeo,
Distt. Chhindwara (MP) ... Management

AWARD

Passed on this 6th day of May, 2008

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/475/94-IR (C-II) dated 2-3-95 has referred the following dispute for adjudication by this tribunal :

"Whether the action of the management of Nandan Washery of WCL, Kanhan Area, PO Nandan Teh. Junnardeo, Distt. Chhindwara (MP) in dismissing Shri Riyaz Mohammad S/o Sheikh Mehtab, Helper, Nandan Washery, WCL Kanhan Area from service w.e.f. 3-4-93 is justified ? If not, to what relief the worker is entitled to ?"

2. The case of the workman Shri Riyaz Mohd. is as follows. That workman Shri Riyaz Mohd. is a member of Rashtriya Koyla Khadan Mazdoor Sangh and the instant case has been filed for him through the aforesaid Union. The workman after obtaining diploma of the Industrial Training Institute, entered into the service of the management in the year 1978. He was taken into the regular strength in category-I mazdoor from 1982. He was confirmed in the year 1984 and was promoted to the post of category-II in the year 1982. He has been ill of the sciatica pain w.e.f. 1-1-92 and was unable to sit and walk.

He was confined to bed and was under treatment of Government Unani Hospital, Chhindwara w.e.f. 1-1-92 to 28-3-92. But he could not get any relief. Therefore he was again admitted to the hospital on 1-4-92. During his treatment, at the hospital on 1-4-92, he informed the management that he was under the treatment of sciatica pain and soon he would be declared fit, he would resume his duties. The workman was continuously under medical treatment and therefore he has been informing the management regularly about his treatment. Though the management had full knowledge that the workman was ill even though to victimise him, he was served with a chargesheet dated 4-9-92 alleging therein that he absented himself from duties without any information w.e.f. 14-6-92 to 4-9-92. Being bed-ridden, he could not submit the reply to the chargesheet. The workman informed the management that he would not be able to attend the enquiry proceedings being ill. Inspite of the above information, the management conducted DE against him in his absence. Anyhow, on 2-12-92, the workman attended the enquiry but he was not permitted to cross-examine Shri D. S. Bais, Office Superintendent. Shri D. S. Bais was appointed as management's representative therefore he has no authority to become a witness in the enquiry. Thus the enquiry conducted by the management against the workman is not legal and proper. The Enquiry Officer found that the charges are fully proved against him and consequently his services were terminated. It is prayed by the workman that the order of termination of his service is bad in law and the same be set aside and he be reinstated in services with full back wages and other benefits.

3. The case of the management is that the workman remained absent from duty from 1-3-92 to 11-4-92. He was a habitual absentee. He remained absent on several occasions in the past for which he was imposed minor punishment with a view to improve himself. That the workman did not show any improvement in his conduct. The departmental enquiry was conducted against him after giving proper notice to the workman in a just and proper manner. The management had no alternative but to dismiss the services of the workman being habitual absentee.

4. Vide order dated 25-5-05 passed on the order sheet of this proceeding, the reference proceeded ex parte against the workman.

5. As the reference proceeded ex parte against the workman, there is no oral evidence on behalf of the workman on record. The management in order to prove their case has filed affidavit of their witness Shri Amitava Majumder, the then posted as Sr. Personnel Officer at Nandan Washery, Kanhan area of WCL.

6. I have heard Shri A. K. Shashi, Advocate learned counsel for the management and perused the evidence on record.

7. The case of management is fully established and proved by the uncontroverted and unchallenged affidavit of management's witness Shri Amitava Majumder.

8. The reference is, therefore, decided in favour of the management and against the workman without any orders as to costs holding that the action of the management of Nandan Washery of WCL, Kanhan Area, PO Nandan, Teh. Junnardeo, Distt. Chhindwara (MP) in dismissing Shri Riyaz Mohammad S/o Sheikh Mehtab, Helper, Nandan Washery, WCL Kanhan area from services w.e.f. 3-4-93 is justified and consequently the workman is not entitled to any relief.

9. Let the copies of the award be sent to the Government of India, Ministry of Labour and Employment as per rules.

C.M. SINGH, Presiding Officer

नई दिल्ली, 13 मई, 2008

का. आ. 1300.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल इंस्टीट्यूट आफ फिशरीज एजुकेशन (आई.सी.ए.आर.) के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 89/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-5-2008 को-प्राप्त हुआ था।

[सं. एल-42012/149/2001-आई आर (सीएम-II)]
अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 13th May, 2008

S.O. 1300.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 89/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Central Institute of Fisheries Education (ICAR) and their workman, which was received by the Central Government on 13-5-2008.

[No. L-42012/149/2001-IR (CM-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/89/2003

Shri C.M. Singh, Presiding Officer

Sh. Shriram S/o Sh. Saligram,
Vill. Bawara,
P.O. Powerkheda,
Distt. Hoshangabad ... Workman

Versus

The Director,
Fresh Water Fish Farm,
Central Institute of Fisheries
Education (ICAR),
Powerkheda, Hoshangabad ... Management

AWARD

Passed on this 2nd day of May, 2008

1. The Government of India, Ministry of Labour vide its Notification No. L-42012/149/2001-IR (C-II) dated 7-4-2003 has referred the following dispute for adjudication by this tribunal :

> "Whether the action of the management of Fresh Water Fish Farm in terminating the services of Sh. Shriram S/o Sh. Saligram w.e.f. May, 1986 is legal and justified ? If not, to what relief the workman is entitled ?"

2. The case of the workman Shri Shriram in brief is as follows. That he entered in the service of management on 1st March 1984. The management by its oral order dated 30-5-1986 terminated his services without assigning any reason. That the workman was appointed on the permanent and vacant post of labour and continuously worked for more than 240 days. That before termination of the workman, the management neither issued any chargesheet to him nor conducted any Departmental Enquiry against him, therefore the termination order passed by the management on 30th May 1986 is prima facie bad in law. That the management neither paid any retrenchment compensation nor issued notice to the workman before his termination. The management failed to comply with the provisions of Sec. 25 of the I.D. Act 1947 before issuing termination order of the workman, as the management failed to comply with the principles of "first come last go". It is prayed by the workman that the award be passed in his favour setting aside the illegal termination order passed by the management w.e.f. 30th May 1986 with direction to reinstate him with full back wages along with other consequential benefits.

3. The case of the management in brief is as follows. That the workman was purely engaged as caused labour for the specific period and for a specific work. Therefore, the workman was a contractual one and cannot come within the definition of Sec. 2(o)(bb) of the I.D. Act 1947 and his services were terminated as per the contract. Even otherwise the workman has not completed 240 days prior to the date of his termination hence he is not entitled for regularisation as per definition of Sec.25(b) of the I.D. Act. The appointment of workman in the institution of management is always through an Employment Exchange as per rules and the workman himself approached for an interview but was not found suitable. As he had failed in the interview, he is not entitled to any relief including the reinstatement in service. Hence his termination from service is legally justified and does not contravene any provision of the I.D. Act.

4. Vide order dated 15-5-06 passed on the ordersheet of this proceeding, the reference proceeded ex parte against the management.

5. The workman in order to prove his case filed his own affidavit.

6. The workman has also filed certain documents on record which shall be referred in the body of this award at appropriate places.

7. I have heard Shri Rakesh Soni, Advocate for the workman.

8. It has been submitted by the learned counsel for the workman that from the oral and documentary evidence on record, it is established that the workman worked with the management for more than 240 days and therefore his termination from services without issuing any notice or without paying retrenchment compensation is illegal under Sec. 25-F of the I.D. Act. It has, no doubt, come in the Ist para of affidavit of the workman that he was in the employment of the management as casual labour from the year 1984 to 30th May 1986. In para-2 of the said affidavit, the workman has deposed that he has worked for more than 240 days in a year and therefore, he acquired the status of the permanent employee. The workman has filed photostat copy of the certificate issued by Scientist-In-Charge, Fresh Water Fish Farm, Powerkheda, CIFE (I.C.A.R.), Hoshangabad (MP). This paper has not been proved in accordance with the principles of Indian Evidence Act. But it being an enquiry case, I am of the opinion that it may be read in evidence for the cause of justice. This photocopy of the certificate reveals that the workman worked as casual labour from 1st March, 1984, to 31st day of May, 1986 with intermittent gaps. This paper is of no help in proving the fact that the workman worked with the management for 240 days or more continuously during the preceding year to his termination. The workman has also filed the photostat copy of a letter dated 24-10-90 written by the Scientist-In-Charge, Fresh Water Fish Farm, Powerkheda C.I.F.E. (I.C.A.R.), Hoshangabad, MP to the Director, Central Institute of Fisheries Education, Versova, Bombay. This has also not been proved in accordance with the principles of Evidence Act. However it being an enquiry case, it is being read in evidence. This letter also shows that the workman was employed as casual worker and was not employed through Employment Exchange. It further indicates that it was written to the Director to take action for regularising the services of Shri Shriram as Fisherman. In this letter, the number of actual days for which the workman worked in the year 1984 and in the year 1985 has been given. It is not established from the above detail of the working days that the workman worked for 240 days or more

continuously during the preceding year to his termination. From the above detail and the certificate issued by the Scientist-In-Charge mentioned above, it is clear that the workman served as casual labour from 1st March 1984 to 31st May 1986 with intermittent gaps. Under the circumstances, the provisions of Sec. 25-F are not attracted in this case.

9. It has been held in 2006(2) SC cases 711 in the case of State of MP and others Vs. Arjunlal Rajak that the onus to prove that the workman completed 240 days of work is on the workman. It has been held in 2006(2)SC cases 716 in the case of MP State Agro Industries Development Corporation Ltd. and another Vs. S.C. Pandey that only because an employee had been working for more than 240 days that by itself would not confer any legal right upon him to be regularised in service. In the case at hand, the workman has failed to discharge his onus to prove that he worked for 240 days or more continuously during the preceding year to his termination. Under the above circumstances, it cannot be held that the action of the management in terminating the services of the workman w.e.f. May 1986 is not legal and justified.

10. In view of the above, the reference is decided in favour of the management and against the workman without any orders as to costs holding the action of the management of Fresh Water Fish Farm in terminating the services of Sh. Shriram S/o Sh. Saligram w.e.f. May, 1986 is legal and justified and consequently the workman is not entitled to any relief.

11. Let the copies of the award be sent to the Government of India, Ministry of Labour and Employment as per rules.

C.M. SINGH, Presiding Officer

नई दिल्ली, 13 मई, 2008

का. आ. 1301.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 98/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-5-2008 को प्राप्त हुआ था।

[सं. एल-22012/341/1993-आई आर (सी-II)]
अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 13th May, 2008

S.O. 1301.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 98/1995) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of SECL and their workmen, which was received by the Central Government on 13-5-2008.

[No. L-22012/341/1993-IR (C-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/98/95

PRESENT :

Shri C.M. Singh, Presiding Officer

The General Secretary,
Rashtriya Koyla Khadan Mazdoor Sangh,
PO South Jhagrakhand Colliery,
Distt. Surguja (MP) . . . Workmen/Union

Versus

General Manager,
Hasdeo Area of SECL,
PO South Jhagrakhand Colliery,
Distt. Surguja (MP) . . . Management

AWARD

Passed on this 30th day of April, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/341/93-IR (C.II) dated 26-5-95 has referred the following dispute for adjudication by this tribunal :—

> "Whether the action of the management of Hasdeo area of SECL in denying to departmentalise of Sh. Ravender Prasad and 66 others (list enclosed) contract workers was legal and justified? If not, what relief the workmen are entitled to ?"

2. Vide order dated 7-3-08 passed in this reference proceeding, the statement of claim filed for workers by Shri Bhagwandas Chaturvedi has been held not entertainable under the provisions of I.D. Act or the rules made thereunder and deserves to be discarded. Consequently it was held that the Union failed to file a validly entertainable statement of claim and the reference proceeded ex parte against the workmen/union.

3. The case of the management in brief is as follows. The reference is regarding 67 persons. But the list of alleged 67 persons has not been attached with the order of reference. In the absence of the list of claimants, the order of reference is incomplete to be dealt with. On this ground alone, the order of reference is liable to be rejected.

That the Union has submitted their statement of claim but deliberately avoided to submit or disclose the particulars of so-called 67 claimants. That under the above circumstances, the management filed an application for better particulars with regard to 67 persons on 14-10-97. In reply to the said application, although the Union admitted that those 67 persons were engaged by one contractor namely Shri R.P. Chaturvedi but the union refused to supply the particulars. In spite of the specific order of the Tribunal on 11-2-98 to supply names of 67 labours, the Union failed to comply with the directions of the Tribunal. The Union has submitted incomplete particulars of about 67 persons without signature, attestation etc. The Union has failed to supply the particulars of engagement by the management, nature of employment, duration of employment, nature of work, particulars of appointing auhority, mode of payment received by them etc. The reference proceeding is bad for non-joinder for necessary parties as Shri Chaturvedi, the contractor is a necessary party to the reference. The order of reference is, therefore, liable to be rejected. That the statement of claim has been filed by one Shri Bhagwandas Chaturvedi who is neither claimant nor he is employee of the management. The order of reference reflects that General Secretary,, RKKMS as a party who has 'locus-standi to file the statement of claim and therefore the statement of claim filed by Shri Bhagwandas Chaturvedi is null and void. The order of reference dated 26-5-95 is illegal and bad in law hence it is not maintainable. The Government of India had earlier concluded the matter by deciding that this is not a fit case to be referred to the Industrial Tribunal. However subsequently the dispute was referred to this tribunal based on imaginary ground. While the dispute was pending for adjudication before the Conciliation Officer, the Union who raised the dispute withdrew the same from the conciliation officer/ALC (C) Shahdol with an agreement that a committee would be consitituted to examine the factual position regarding the claim of regularisation/absorption of 67 contract workers on Company's roll who have alleged to have worked in Rajnagar Sub-Area. Based on the said agreement, the management constituted a committee vide office order No. SECL : CGM : HSD : PM : 2067-68 dated 16-10-87. The committee has submitted their report holding that only 18 persons who has worked on surface were directly paid by the contractor and the management has no liability to regularise contractor's workers. Rest 49 persons had never worked either directly or through contractor and therefore the claim for employment of 49 workers is absolutely fake. The report of the committee settles the issue of claim of departmentalisation of the so-called 67 workers. Once the Union has agreed to go by the findings of the constituted committee, the report is binding on the parties and the dispute stands settled through the same. For the purpose of recruitment for the post of General Mazdoor to the highest post of executive, the company has a recruitment policy. According to recruitment policy, the procedure for recruitment to the post of General Mazdoor is that sending requisition to the employment exchange, giving opportunity to all concerned, giving employment to persons who are working on casual basis etc. A committee is constituted for selection of eligible candidates. Selection is made through competitive test/interview. Successful candidates are given appointment orders in writing. After their selection and fitness by medical examination, they are sent for vocational training and on completion of training they are given posting orders. After completion of these formalities their names are entered into various statutory registers being maintained by the management under various mines legislations. The present individuals in the dispute are claiming employment based on the non-existing facts and are trying to enter into service through backdoor. In public sector undertakings, there is no provision for regularisation of labours engaged by contractors. It is prayed that the Tribunal be pleased to hold the claim of the union for departmentalisation of the 67 individuals is not maintainable.

4. The management in order to prove their case filed affidavit of their witness Shri G.K. Prasad.

5. As the case proceeded ex parte against the Union, there is no evidence of the Union on record for proving their case.

6. I have heard Shri A.K. Shashi, Advocate learned counsel for the management. I have very carefully gone through the evidence on record.

7. Shri G.K. Prasad deposed that he was employed in the WCL/SECL for several years and retired as General Manager (Welfare), SECL, Headquarters at Bilaspur in the year 2001. In his affidavit, he adduced evidence in favour of the case of the management. The case of the management is fully established and proved by the uncontroverted and unchallenged affidavit of management's witness Shri G.K. Prasad. Therefore the reference deserves to be decided in favour of the management and against the Union without any orders as to costs.

8. In view of the above, the reference is decided in favour of the management and against the workmen/Union without any orders as to costs holding that the action of the management of Hasdeo area of SECL in denying to departmentalisation of Sh. Ravender Prasad and 66 others (list enclosed) contract workers was legal and justified and consequently the workmen are not entitled to any relief.

9. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

C.M. SINGH, Presiding Officer

नई दिल्ली, 13 मई, 2008

का. आ. 1302.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 121/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-5-2008 को प्राप्त हुआ था।

[सं. एल-12012/388/95-आई आर (बी-II)]
राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 13th May, 2008

S.O. 1302.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 121/1996) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workmen, which was received by the Central Government on 12-5-2008.

[No. L-12012/388/95-IR (B-II)]
RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/121/96

PRESENT :

Shri C.M. Singh, Presiding Officer

Shri Madhav Telang,
S/o Shri Kashinath,
C/o Shri K.P. Umerdakar,
Khasmi Bazar,
Near Bhainsa Chowki,
Maliyam ki Gali,
Gwalior ... Workmen/Union

Versus

The General Manager,
UCO Bank,
Naya Bazar, Gwalior ... Management

AWARD

Passed on this 17th day of April 2008

1. The Government of India, Ministry of Labour vide its Notification No. L-12012/388/95-IR (B-II) dated 16/24-4-1996 has referred the following dispute for adjudication by this tribunal :—

> "Whether the action of the management of UCO Bank Gwalior in terminating the services of Shri Madhav Telang, Peon w.e.f. 25-10-1992 is legal and justified? If not, to what relief is the said workman entitled ?"

2. The case of workman Shri Madhav Telang in brief is as follows. That he was appointed on the post of Peon w.e.f. 8-4-1985 in Nayabazar Branch of the UCO Bank on daily wages. That he continued on the said post till 25-10-92 without any break. That he continued in the Bank for about 7 years. That he worked for more than 1400 days. That the Branch Manager of Nayabazar branch abruptly terminated the services of the workman by verbal order in the evening of 25-10-92. That he was neither given any notice nor pay in lieu of notice, no retrenchment compensation was paid to him and therefore, the order of termination was in clear violation of Section-25F of the I.D. Act. That in the other branches and the same branch, several junior daily wages employees are still working. That in the Nayabazar branch Sarva Shri Rajesh Kumar Sharma, Harish and Ashok Kumar Rathore, junior to him are still working. The order of termination of workman is discriminatory. That the workman continued to discharge his duty and the termination is in clear violation of 1st bipartite settlement and UCO Bank's Circular No. CHO/PAS/I6/89 dated 19-10-89. According to above circular daily wages employees are eligible to be made permanent employees. It is prayed that the action of termination of services of the management may be declared illegal and void and the workman be reinstated with full back wages, allowances, bonus etc. And the cost be also awarded to him.

3. The case of the management in brief is as follows. That the workman was engaged on daily wage basis dehors and Recruitment Rules and that the approval of the Competent Authority to meet the extreme exigency of work when the workman was below normal age of recruitment was 18 years. That on the date of engagement by the management w.e.f. 8-4-85, he was below 18 years of age because his date of birth was 3-5-67. That he was never appointed to any post in accordance with rules and his service was not continuous till 25-10-92 without break. It has been denied by the management that the workman worked for 1400 days in 7 years as claimed by him. The workman's disengagement in the evening of 25-10-92 was due to end in the need the exigency of work in the Bank. Disengagement of daily wager on the completion of the need and exigency of work in the bank, not duly appointed to any post as per rule, cannot be termed and construed as retrenchment under the I.D. Act for the purpose of 25F and other retrenchment compensation. As the workman, on the date of his first engagement on 8-4-85 was below the normal age of 18 years for his date of birth being

3-5-67, he was considered under aged and not covered by the eligibility criteria of the said negotiated settlement. That no doubt, daily wagers junior to the applicant were found within the eligibility criteria and hence they are working. Therefore, there is no discrimination since the workman being found unequal and ineligible could not be treated equally with the eligible daily wagers. That the averment made by the workman that he is eligible to be made permanent as per Circular No. CHO/PA/16/89 dated 19-10-89 is misleading because it is based on misleading and misunderstanding the circular dated 19-10-89. Since the workman was only a daily wager and has no right to any post, his disengagement is not arbitrary. That there was no employer-employee relationship. That it is a fact that the workman was considered for empanelment, absorption and regularisation in terms of negotiated settlement dated 12-10-89 but he failed to fulfil the eligibility criteria and qualify himself for impanelment. That it is neither a case of victimisation nor mala fide. It is prayed that the claim of the workman be held misconceived and untenable in law.

4. The workman Shri Madhav Telang to prove his case examined himself. The management in order to defend the claim, examined their witness Shri T.S. Verma, then posted as Assistant Manager, Nayabazar Branch, UCO Bank, Gwalior.

5. Both the parties filed photostat copies of certain documents which are on record.

6. Both the parties have filed their written argument.

7. I have heard Shri A.K. Shashi, Advocate for workman and Shri M.R. Chandra, Advocate for the management.

8. I have very carefully gone through the entire evidence on record.

9. It has been submitted by the learned counsel for the workman that the workman was neither given any notice nor any pay in lieu of notice nor retrenchment compensation and thus the order of his termination from services is hit by the mandatory provisions of Sec. 25-F of the I.D. Act. Against the above, the learned counsel for the management submitted that the applicant is not a workman under Sec. 2(s) and his disengagement is not retrenchment under Sec. 2(oo) of the I.D. Act and the order of his termination is not at all hit by the provisions of Sec. 25(f) of the I.D. Act. It has come in the oral evidence of cross-examination of Shri Madhav Telang, the workman that he was employed in the Bank as daily wager. Neither this averment has been made in the statement of claim submitted on behalf of the applicant that the applicant continuously worked for 240 days or more in the year preceding to his termination from services nor the applicant Shri Madhav Telang deposed in his evidence that he worked continuously for 240 days in a year with the management. Annexure P-2 filed on behalf of the applicant reveals the details of the working days for which he has worked with the Bank. It also does not indicate that he ever worked with the Bank for 240 days or more in any year. Thus the workman has not discharged his onus to prove by the necessary documents that he had in fact worked for 240 days in the year preceding his disengagement on 25-2-92.

10. The management has in their Written Statement and their witness Shri T.S. Verma in his oral evidence has categorically deposed that the engagement and disengagement was on pick and choose basis due to exigencies of requirement of the Bank from time to time on the basis of need of work. It is submitted by the learned counsel for the management that each day's engagement was a fresh engagement which ended with the end of the day work. He further submitted that there was not a single whisper or any document produced in support of the facts that there was ever notification of vacancy published by the Bank, that the workman applied for the said vacancy, that how and when selected, pay and scale attached to the post, nature of work, hours of duty performed, attendance recorded in the muster roll, wages drawn and distributed, medical leave, casual leave, holiday granted and relationship of master and servant ever established. It has also come in the evidence of management witness T.S. Verma that the workman was engaged as a daily wager and he was never called upon to work under the supervision and disciplinary control of the Bank and thus there was no relationship of master and servant. It has been rightly submitted by the learned counsel for the management that under such circumstances, applicant's disengagement from service cannot be construed to be a retrenchment under I.D. Act.

11. It has been submitted on behalf of the workman that several junior daily wages employees have been regularised and they are working in Nayabazar branch namely Sarva Shri Rajendra Kumar Sharma, Harish, Ashok Kumar Rathore and in other branches several daily wages employees are still working. That therefore the termination of the workman is arbitrary. Against the above, the learned counsel for the management submitted that the averment made in the statement of claim on behalf of the workman and in affidavit of the workman, merely names of daily wagers still working have been mentioned and no other particulars to fix their identity have been disclosed. It has been further submitted that more particulars like date of first engagement, period of working continuously or intermittantly, date of their disengagement, the post and branch working are required to be furnished and in the absence of such particulars for identification, it cannot be stated in denial that if they are working it was solely due to the fact that they had full eligibility criteria as per para 2(c) of circular dated 19-10-89 (Ex. P/7).

12. The learned counsel for the workman submitted that the workrnan did his job to the satisfaction of his superiors for a long period of about 7 years and he has submitted an application for regularisation but the management terminated him because he was underage at the tirne of his initial appointment. He also submitted that for the employment of the workman on the post, he is working according to the Bank Recruitment Rules, the age must be between 14 and 21 years. In this respect, he placed reliance on the award of this tribunal passed in reference case No. CGIT/LC/R/31/97 in the case of Nathulal Soni Vs. Regional Manager, State Bank of India. Against the above, the learned counsel for the management submitted that the evidence of the workman on affidavit and of his cross examination clearly reveals that he was employed as peon on 8-4-85 and his date of birth is 3-5-67. The above date of birth also finds support in photostate copy of proformae application of the workman (Ex. P-1)(A) and photostat copy of the certificate of workman of Sambhagiya Purva Madhyamik Pariksha Varsh 1985 (Ex. P-4), naturally on the date of engagement as daily wager the workman was below the age of 18 years and was not eligible as per para-2 sub para (c) of circular No. CHO/PAS/16/89 dated 19-10-89 (Ex.P-7). It has come in the oral evidence of the workman that he was engaged as daily wager on 8-4-85 and he was disengaged from the services on 25-10-92. It has come in the evidence of cross-examination of workman Shri Madhav Telang that his date of birth is 3-5-67. It finds support in Ex. P-1 (A) and Ex. P-4 mentioned above. It proves that on the date of his engagement i.e. on 8-4-85, the workman was below the age of 18 years. In the award of this tribunal cited by the learned counsel for workman, no doubt, it has been held by the then Presiding Officer that in the Bank Recruitment Rules, age of messenger is 14-21 years. The above cited award is not binding on this tribunal. Photostat copy of circular No. CHO/PAS/16/89 dated 19-10-89 (Ex. P-7) reveals that the casual worker should have satisfied the normal stipulation in the Bank regarding age, minimum 18 years and maximum 26 years on the date of first engagement as casual worker. Besides that the aforesaid cited award is not binding on this tribunal. It is also distinguished from the facts of this case inasmuch as tribunal held that the age of the messenger according to Bank Recruitment Rules should be between 14 and 21 years. It is not a case of recruitment of messenger. It is a case of recruitment of peon i.e. Group-D employee. Therefore, it is concluded that on the date of engagement as daily wager, the workman was under the age of 18 years and was not eligible for engagement. It is clear from the pleadings made in WS, the evidence adduced by management's witness Shri T.S. Verma and the Circular No. CHO/PAS/16/89 dated 19-10-89 (Ex.P-7) that the Bank had sent to the head office, the biodata of engagement of the applicant for his absorption and employment in terms of settlement between the management and the Union and arrived at on 12-10-89 and circular dated 19-10-89 (Ex. P-7). That because the workman was not found to fulfill the criteria laid down in para-2(c) of the above circular for being found underaged being below 18 years as per his date of birth, the competent authority declared him ineligible for absorption and empanelment as per settlement. Therefore, I am of the considered opinion that the management rightly did not find the workman eligible for absorption in the vacant post of "D" Group.

13. As it is not proved from the oral and documentary evidence on record that the workman worked for 240 days or more as mentioned in the definition of Sec. 25-B under the Employer, the order of termination is not hit by the provisions of Sec. 25-F of the I.D. Act. My above findings finds support in 2006-SC cases (L&S) 18 in the case of Surendra Nagar District Panchayat Vs. Dahyabhai Amarsinh. It was onus of the workman to prove that he had worked for 240 days in the year preceding his termination but the workman has not discharged the above onus. In holding the above, I find support from 2002 Supreme Court Cases (L&S) 367 in the case of Range Forest Officer Vs. S.T. Hadimani.

14. In view of the above, it is concluded that the workman has failed to prove his claim and therefore the reference deserves to be decided in favour of the management and against the workman. The reference is, therefore, decided in favour of the management and against the workman without any orders as to costs holding that the action of the management of UCO Bank Gwalior in terminating the services of Shri Madhav Telang, Peon w.e.f. 25-10-1992 is legal and justified and consequently the workman is not entitled to any relief.

15. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

C.M. SINGH, Presiding Officer

नई दिल्ली, 13 मई, 2008

का. आ. 1303.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन.एफ. रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, गुवाहाटी के पंचाट (संदर्भ संख्या 20/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-5-2008 को प्राप्त हुआ था।

[सं. एल-41012/153/2005-आई. आर. (बी-I)]

एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 13th May, 2008

S.O. 1303.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 20/2006) of the Central Government Industrial Tribunal-cum-

Labour Court, Guwahati as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of N.F. Railways, and their workman, which was received by the Central Government on 13-5-2008.

[No. L-41012/153/2005-IR (B-I)]
N.S. BORA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI, ASSAM

PRESENT :

Shri H.A. Hazarika, Presiding Officer,

CGIT-cum-Labour Court, Guwahati

Ref. Case No. 20 of 2006

In the matter of an Industrial Dispute between

The Management of N.F. Railway, Maligaon, Guwahati.

Versus

Their Workman Sri Promode Ch. Kalita

Appearances :

For the Workman : Sri B.P. Kalita, Advocate

For the Management : Sri K.C. Sarma, Rly. Advocate

Date of Award : 25-4-08

AWARD

1. The Government of India, Ministry of Labour, New Delhi, vide its order No. L-41012/153/2005-IR (B-I) referred this Industrial Dispute arose between the employers in relation to the Management of the N.F. Railway, Maligaon, Guwahati-11 and their workman Sri Promode Ch. Kalita to adjudicate and to pass an award on the strength of powers conferred by Clause (d) of Sub-section (1) and Sub-section(2A) of Section10 of the Industrial Disputes Act, 1947 (14 of 1947) on the basis of the following Schedule :

SCHEDULE

"Whether the action of the management of N.F. Railway in denying proforma promotion to Shri Promode Ch. Kalita w.e.f. 9-5-84 (i.e. the day of the promotion of his junior Shri Bhupen Choudhury who joined service on 31-1-83) is justified? If not, to what relief Shri Promode Ch. Kalita is entitled to ?"

2. On being appeared by both the parties the proceeding is proceeded here for disposal being Numbered 20/2006 as per procedure.

3. The case of the workman in brief that he was appointed on 31-10-79 as Junior Clerk under Deputy Chief Engineer, Bridge, Line, Maligaon. That he was removed from his service w.e.f. 03-12-1981 and again reinstated on 04-07-1989. During the period of his removal one Sri Bhupen Choudhury, Junior to him was promoted as Senior Clerk on ad-hoc basis w.e.f. 1984. After reinstatement the workman P.C. Kalita was given temporary promotion as Senior Clerk on ad-hoc basis on15-10-86 vide Office order No. E-W/21012, dated 22-10-86. They were also regularized. But the seniority of the workman Sri P.C. Kalita was not correctly fixed along with promotional benefits, etc. for which the workman became aggrieved and in due course this matter is referred.

4. The case of the Management in brief that the matter is not maintainable in present form in law as well as in fact and is liable be dismissed with no award. That the workman or the union do not take any interest in regard to the dispute as the Management already fulfilled the grievances of the workman in toto. It is also claimed by the Management that the N.F. Railway is not denying the promotion of P.C. Kalita and due promotion is given to the workman with all financial benefits and prayed to dismiss the petition with no award.

5. Sri Ananda Kr. Bora, OST-I, under N.F. Railway, Head Office, Maligaon is solitary witness for the management. He deposed that against the claim and grievances of the workman, Management meanwhile has allowed the promotion for which he is entitled to. The Management has also given him the consequential benefits and relief for which he is entitled. He is happily working presently with the Management. The Management witness is not cross-examined. The workman Sri P.C. Kalita also appeared as solitary witness. He deposed that presently he is working as OS-II. At the time of refer of the matter he was superseded by his junior Bhupen Choudhury. But meanwhile the legitimate promotion for which he is entitled his awarded to him and he is satisfied. The consequential benefits related to, for which he is entitled is also awarded to him and he is fully satisfied.

6. Heard the argument submitted by learned Advocates of both sides.

7. On perusal of entire evidence which was deposed before me I find meanwhile the workman was awarded the promotion and the consequential relief for which he is entitled. Accordingly what I find meanwhile the Management has legally satisfied the demand of the workman. Meanwhile, admittedly he is satisfied. Hence, the matter is ended with satisfaction of the workman.

8. Send the award accordingly to the Government as per procedure immediately.

H.A. HAZARIKA, Presiding Officer

नई दिल्ली, 13 मई, 2008

का.आ. 1304.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सादर्न रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एर्नाकुलम के पंचाट (संदर्भ संख्या 181/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-5-2008 को प्राप्त हुआ था।

[संख्या. एल-41012/158/1998-आई आर (बी-I)]
एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 13th May, 2008

S.O. 1304.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 181/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure, in the Industrial Dispute between the management of Southern Railways and their workmen, which was received by the Central Government on 13-5-2008.

[No. L-41012/158/1998-IR (B-I)]
N. S. BORA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

PRESENT :

Shri P. L. Norbert, B.A., LL.B., Presiding Officer

(Friday the 7th day of March 2008/17th Phalguna 1929)

I.D. No. 181/2006

(I.D. 24/1999 of Labour Court, Ernakulam)

Workman : C. Kanakaratnam,
Door No. 75, Thankappatta Lane,
Poondurai Road, Railway Colony,
Erode-638 001.

By Adv. T. C. Govinda Swamy.

Management : The Senior Divisional Engineer,
Southern Railway,
Palakkadu-678 001.

By Adv. Sri. P. M. M. Najeeb Khan

This case coming up for hearing on 27-2-2008, this Tribunal-cum-Labour Court on 7-3-2008 passed the following :

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act. The reference is :—

"Whether the action of the Senior Divisional Engineer, Southern Railway, Palakkadu in terminating the services of Shri C. Kanakaratnam w.e.f. 11-1-1991 is justified ? If not to what relief the workman is entitled ?"

2. Facts of the case in brief are as follows : Workman Sri Kanakaratnam was a casual labourer under Permanent Way Inspector, Southern Railway, Erode from 21-10-1981 onwards. On 1-5-1984 he was given temporary status for having worked continuously for a period of 120 days. On enquiry by Vigilance Wing of Permanent Way Inspector Erode it was found that the workman had secured job as casual labourer by producing a bogus casual labour service card of having worked at Gummidipoondi. On the ground of having misrepresented facts and obtained employment the management initiated disciplinary action by issuing charge sheet and conducting enquiry. He was found guilty and was removed from service. The enquiry and the disciplinary proceedings are challenged by the workman vide reference.

3. According to the workman the action was initiated after a period of 9 years from the date of joining service. He was not given permission to peruse the documents of the management. All the documents called for by the workman were not produced by the management. He was not given personal hearing by the disciplinary authority. The documents relied on to support the charges in the memorandum charges were not produced. The enquiry was conducted without complying with the principles of natural justice. The penalty imposed is illegal and he is liable to be reinstated.

4. According to the management during preventive check conducted by Vigilance Wing in the Permanent Way Inspector Office, Erode the mischief done by the workman was detected and hence he was proceeded against departmentally. There is no Permanent Way Inspector at Gummidipoondi nor an LTI Register (Left Thumb Impression Register) is maintained at Gummidipoondi. It is a sub-section coming within Permanent Way Inspector Office, Ponneri. All the records of labourers are maintained at Ponneri. The LTI Number of worker in the disputed casual labour service card produced by the workman belongs to somebody else (Sri kadirvelu engaged in July 1971). The thumb impression in the service card was compared with the admitted thumb impression of the workman by finger print expert and they were found to tally. Therefore the findings of the Enquiry Officer was accepted by the Disciplinary Authority as well as confirmed by the Appellate Authority. As a result he was terminated from service. The enquiry was conducted following the principles of natural justice. The workman was given adequate opportunity to defend. Copies of documents produced by the management were supplied to the workman by the Enquiry Officer. A personal hearing was given to the workman by the Disciplinary Authority. The punishment given is in consonance with the gravity of the offence.

5. In the light of the above contentions the following points arise for consideration :—

1. Is the enquiry proper and valid ?

2. Are the findings of Enquiry Officer correct ?

3. Is the penalty imposed proportionate to the gravity of misconduct ?

The evidence consists of oral testimony of WW1 nd documentary evidence of Ext. W1 to W5 on the side of the workman and MW1 and Ext. M1 on the side of the management.

6. **Point No. 1** :—The workman was in service of the railway from 21-10-1981 to 8-1-1991. Though it is alleged in the claim statement that the enquiry was conducted and penalty was imposed without complying with the principles of natural justice, without producing all documents called for from the management and without giving a personal hearing by the Disciplinary Authority, at the time of evidence and argument this aspect was not pursued by the learned counsel for the workman. The enquiry report and the proceedings, Ext. M1 reveal that the workman was represented by a defence representative throughout the enquiry, except a few documents, others were produced by the management and regarding the non-production of documents reasons were submitted by the management. The management witnesses were cross-examined by the defence. The workman as well as the defence representative signed the depositions of management witnesses in recognition of their presence. Despite that when the workman gave evidence before this court he denied to have cross-examined management witnesses in the enquiry. This is not true as per Ext. M1 record. Thus it is seen that the Enquiry Officer had followed the procedure and complied with the principles of natural justice. Therefore I find that the enquiry is valid.

7. **Point No. 2** :—The allegation against the workman is that he secured the job of a casual labourer at Erode under Permanent Way Inspector, Southern Railway on 21-10-1981 by producing a casual labourer service card issued from Gummidipoondi in 1980. It is Ext. P1-A in Ext. M1. It shows that the workman had worked at Gummidipoondi from 21-4-80 to 20-5-80 (30 days) and from 21-5-80 to 5-6-80 (16 days), altogether 46 days. The card is seen signed by Permanent Way Inspector, Southern Railway, Gummidipoondi. According to the management there is no Permanent Way Inspector Office at Gummidipoondi and that sub-section of Gummidipoondi comes within the jurisdiction of Permanent Way Inspector Office of Pooneri. The service records of all kinds of labourers within Pooneri division is maintained only at Pooneri and there are no competent officers at Gummidipoondi to maintain service records. Ext. P1-A contains the name and other particulars of the workman with a thumb impression. The Vigilance Inspector, Headquarters, Madras had conducted a preventive check in 1988 and detected the misrepresentation. He was examined in the enquiry as SW2. When he was cross-examined while putting question No. 39 to him by the defence it was suggested that the workman during vigilance enquiry had not given a statement (Ext. P3 in Ext. M1) to SW2 voluntarily, but it was given at the suggestion of the Vigilance Officer that no action would be taken on the basis of the statement and he was threatened with dire consequences in case of refusal to give such a statement. But the answer of the witness was that he had neither threatened nor suggested to give any type of statement. The statement was taken in the presence of another offioer of Railway, Sri M. V. Narayanan. But the definite stand taken by the workman in the claim statement is that he had not worked either in Gummidipoondi or in any other place in Railway prior to 22-10-1981 and he had not produced a casual labourer service card at Erode when he joined service there. He was taken by the Railway as a fresh candidate at Erode on 22-10-1981 and not on the basis of previous service. He disowns the thumb impression in the serfice card. The workman had appealed against the order of Disciplinary Authority dismissing him from service. The Appellate Authority however confirmed the order of Disciplinary Authority. This was challenged before Central Administrative Tribunal by Original Application No. 1365/1991. The Court directed the management to get the opinion of a finger print expert regarding thumb impression in the service card compared with admitted specimen thumb impression and thereafter to consider the appeal afresh. The management obtained specimen thumb impression of the workman and forwarded it along with his service card to the finger print expert. The opinion was that both thumb impressions tallied. Thereafter the Appellate Authority confirmed the order of Disciplinary Authority that the workman was guilty and upheld the punishment of dismissal. It is contended by the learned counsel for the workman that no opportunity was given to the workman to challenge the correctness of the expert opinion of finger print expert either before the Appellate Authority or before this court. According to him the opinion was obtained behind his back and therefore it cannot be relied on. It is relevant to note that the appeal was submitted by the workman and after hearing him the Appellate Authority passed an order confirming the action of the Disciplinary Authority. Ext. W5 is a letter issued to the workman by Assistant Personnel Officer, Divisional Office, Palakkad dated 26-7-1994 informing the result of the order of Appellate Authority. The Central Administrative Tribunal had directed the management only to get an expert opinion. That was complied with and on the basis of the expert opinion a fresh appellate order was passed.

8. It is relevant to note that the workman has no case that the management had any motive to book him. He has no case that any of the officers of the Railway was against him or had any reason to cook up a false story with a view to smoke him out. The case of the Railway is that in 1981 there was a Government ban order against fresh recruitments. Therefore the Railway was not in a position to recruit fresh hands. To meet the exigency only ex-employees could be engaged as casual labourers. It was in this context that the workman was engaged in 1981 when he produced a service card showing his previous experience. It is true that the Office of Permanent Way Inspector, Erode should have verified the correctness of the service record at the time of engaging the workman in 1981. But their failure or omission cannot be taken advantage by the workman because he had secured a job by misrepresentation. Therefore he was liable to be proceeded departmentally during his service period. That alone was done by the Railway. The LTI Register of casual labourers were perused by SW1 during his examination in the enquiry. It revealed that the LTI number 761 was not allotted to the worker as per the Register. According to MW1 (examined in court) this number was allotted to one Kalirvelu who was employed in 1971. It is not the LTI number of the workman. Whereas in Ext. P1-A (in Ext. M1) Casual Labour Service Card produced by the worker at Erode in 1981 has LTI number 761. Thus the details in LTI Register does not tally with the details in CL Service Card (Ext. P1-A).

9. It is true that the Railway has not produced the order of 1981 banning fresh recruitment. But the circumstances indicate that the Railway had no reason to create a document against the workman either for accommodating some other person in his place or on account of any misconduct on the part of the workman. The workman has no such case. It is not on the basis of any complaint from any quarters that preventive check was conducted by the Vigilance Inspector. It is a routine check conducted by Vigilance Wing. It is during such vigilance check that the mischief was detected. In the statement given by the workman to Vigilance Inspector he has admitted his labour service card was submitted at the time of joining service at Erode. It contains the thumb impression of worker as per expert opinion. Therefore the workman cannot be heard to say now that he had not given the card to the Railway. It is curious to note the statement of workman (WW1) in the cross-examination that the Railway had taken from him thumb impressions at different times for different purposes. His case is that when he was taken in 1981 at Erode the Left Thump Impression Number allotted to him was 1290. But no service card or records are produced by him to show that the number allotted to him was 1290. However he admits that he has not mentioned in his claim statement that such a number was allotted to him. In view of the above evidence and circumstances I see no reason to interfere with the findings of the Enquiry Officer.

10. **Point No. 3 :**—The misconduct committed by the workman is misrepresentation and production of a false service card for the purpose of securing a job. He has no moral right to continue in service by duping the Railway. The conduct of such an employee cannot be viewed lightly by the Railway Administration. The offence is serious in nature and punishment imposed therefore is commensurate with the gravity of misconduct. There is no justification in meddling with the penalty imposed. Found accordingly.

In the result, an award is passed finding that the action of the management in terminating the service of workman is legal and justified and he is not entitled for any relief.

The award will come into force one month after its publication in the official gazette.

(Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 7th day of March, 2008.

P. L. NORBERT, Presiding Officer

APPENDIX

Witness for the workman :

WW1	23-11-2007	C. Kanakaratnam

Witness for the Management :

MW1	04-01-2008	Sri. B. R. Srikumar

Exhibits for the workman :

W1	10-01-1989	Copy of charge sheet issued to workman.
W2	08-01-1991	Penalty Advice No. C-16/ ED/CKR issued to workman.
W3	05-06-1991	Order of the Appellate Authority.
W4	08-11-1993	Certified copy of Order in O.A. 1365/91 dated 08-11-93 of Central Administrative Tribunal, Ernakulam Bench.
W5	26-07-1994	Order No. J/P. CAT. 1365/ 91 issued by the Assistant Personnel Officer to Workman.

Exhibits for the Management :

M1	Enquiry File and Casual labour Service Card.

नई दिल्ली, 13 मई, 2008

का. आ. 1305.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. एयर इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय (सं.-II), नई दिल्ली के पंचाट (संदर्भ संख्या 40/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-5-2008 को प्राप्त हुआ था।

[सं. एल-11012/1/2002-आई आर (सी-I)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 13th May, 2008

S.O. 1305.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 40/2002) of the Central Government Industrial Tribunal/Labour Court (No. II), New Delhi now as shown in the Annexure, in Industrial Dispute between the employers in relation to the management of M/s. Air India and their workman, which was received by the Central Government on 13-5-2008.

[No. L-11012/1/2002-IR (C-I)]
SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II NEW DELHI

I.D. No. 40/2002

Shri R. N. Rai, Presiding Officer

IN THE MATTER OF :

Sh. Joginder Singh,
C/o Azad Singh Mazdoor Union,
L-256, J. J. Colony,
Wazirpur, Delhi —Claimant

Versus

The General Manager,
Air India,
IGI Airport,
New Delhi-110 037 —Respondents

AWARD

The Ministry of Labour by its letter No. L-11012/1/2002 IR (C-I) Central Government Dt. 24/30-5-2002 has referred the following point for adjudication :

The point runs as hereunder :—

"Whether the action of the management of Air India, IGI Airport-2, New Delhi in terminating the services of Sh. Joginder Singh, Ex. Luggage Porter w.e.f. 16-5-1992 is just, fair and legal ? If not what relief the workman is entitled to and from what date ?"

The case of the workman is that he was engaged by the respondent at the post of Luggage Porter on consolidated wages of Rs. 1200 per month since 1987.

That the respondent did not make proper payment of wages and they compelled the workman to sign on blank paper.

That the management on 15-5-1992 got something written in the handwriting of the workman after threatening him to dismiss him from service and discontinued the engagement of the workman on 16-5-1995.

That similarly placed employees have been regularized by the management but despite several representations the management did not take the workman on duty.

That the management has not conducted any inquiry against the alleged theft of shoes. The management has arbitrarily, illegally and under pressure obtained confession of the workman.

The case of the management is that Sh. Joginder Singh had worked with Air India from time to time with intermittent breaks purely on casual basis since 1987 onwards. On 15th May, 1992, when he was deployed in our ground services department as a casual loader he was found to be involved in case of pilferage of shoes from the baggage of a foreign airline being handled by Air India at that time. On receipt of the report from the concerned airlines, investigations were carried out by the Air India Security Department into the matter and as per their report four casual labourers including Sh. Joginder Singh were found to be involved in the pilferage.

That as per the report of the Assistant Manager Security, vide letter No. DL/DS-31/906 dated 26-5-1992 Sh. Joginder Singh along with other casual labourers had pilfered shoes (Reebok make) from the baggage of Gulf Air Flight and had confessed the same in writing. The above incidents on part of the incumbents representing the handling company more so in a service industry, is of a very serious nature and can cause lot of disrepute to the organization and the passengers are bound to lose confidence in the airline/handling agent. Accordingly as per out practice the concerned casual labourers including Sh. Joginder Singh were removed from their casual engagement and they were not re-engaged thereafter in view of the gravity of the act of commission.

That in view of the above it is quite clear that Sh. Joginder Singh along with his fellow casual workers were involved in the case of theft and they had also confessed the same in writing. All the allegations made by Sh. Joginder Singh in his statement of claim, at this delayed stage are false and an after-thought and have been made with an ulterior motive of somehow obtaining the sympathy of the appellate authorities by maligning the

integrity of the senior executives and the image of the company in a desperate attempt of securing gainful employment in the company. The averments made by Sh. Joginder Singh relating to payment of wages and his being victimized on the basis of his caste are totally fabricated and false. In view of the above, the management denies all the allegations and averments made by the claimant being false and frivolous.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he has worked continuously from 1987 to 15-5-1992 as a casual loader and some of the labourers working with him were given regular appointment as one time scheme. This workman was also covered under that scheme but the management illegally and arbitrarily terminated the services of this workman. The job performed by the workman is of permanent and perennial in nature. The work of loading and unloading is even done today by the respondents.

The respondents have not complied with the provisions of Section 25 F of the ID Act, 1947.

It was submitted from the side of the management that the workman was a casual labour when there was requirement of excess labour, the workman was summoned and he was given duty. The management had already permanent casual loaders in case the more luggage is loaded or unloaded temporary casual labourers are engaged for fixed time. This workman has not worked for 240 days in any of the years of his employment.

This workman was engaged for 70 days in 1987, 102 days in 1988 and 137 days in 1989, 120 days in 1990, 149 days in 1991, 32 days in 1992. The workman has filed documents with the records. Document nos. 5 & 6 are Identity Cards which relate to 1991. These cards are not legible. He has filed documents 8, 9 & 10. These documents relate to the payment made to the workman by the management. He has filed documents of payment on two occasions. Document No. 10 is not legible. The workman has not filed any other document regarding his engagement.

The workman has not filed any application for summoning of particular document to establish that he has worked for 240 days in any of the years of his employment. From the documents filed by the workman it is not proved that he has worked for 240 days in any of the years of his employment. The working days admitted by the management establish that he was a casual labourer and he was engaged casually when there was increase in the luggage of loading and unloading.

It is not denied that the management has no permanent loaders on roll. Sometimes it may be necessary to engage additional casual labourers in case the luggage could not be loaded or unloaded by the permanent casual labourers.

It was submitted from the side of the management that on 15-5-1992 this workman was deployed in ground service department as casual loader and he was involved in pilferage of shoes from baggage of foreign airlines. The workman alongwith four others were summoned and they confessed in writing that they had pilfered one pair of shoes (Reebok make).

The management has filed hand written confession of all the four workmen. They have written the confession letter in their own handwriting and they have categorically admitted that they have pilfered the shoes as the baggage was torn.

I have perused the confessional letter. It is but natural that the incident took place in 1992 and the workman has raised this case in 2002. The workman was found involved in the act of theft and so he may have left the job himself.

It is not necessary that an inquiry should be instituted even against casual labours. Inquiry is essential for regular or permanent employee who has a right to a post. A casual labourer has no right to post. The workman has confessed his act of pilferage in his own handwriting and thereafter he might have not gone to resume his work and workman may have been stopped from duty in view of the misconduct.

The initial burden is on the workman to establish that he has worked for 240 days in a calendar year.

The workman has not proved that he has worked for 240 days, though he has worked during all these years. The workman has confessed his guilt voluntarily before the management. All the four workmen have given in their own handwriting regarding theft of a pair of shoes of foreign Airline. Section 25 F & H of the ID Act, 1947 are not attracted in the facts and circumstances of the case.

The reference is replied thus :

The action of the management of Air India, IGI Airport-2, New Delhi in terminating the services of Sh. Joginder Singh, Ex. Luggage Porter w.e.f. 16-5-1992 is just, fair and legal. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Date : 28-4-2008 R. N. RAI, Presiding Officer

नई दिल्ली, 13 मई, 2008

का. आ. 1306.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. इण्डियन एयरलाइन्स के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय (सं. II), नई दिल्ली के पंचाट (संदर्भ संख्या 86/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-5-200a को प्राप्त हुआ था।

[सं. एल-11012/16/97-आई आर (सी-I)]
स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 13th May, 2008

S.O. 1306.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 86/1998) of Central Government Industrial Tribunal-cum-Labour Court (No. II), New Delhi now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. Indian Airlines and their workman, which was received by the Central Government on 13-5-2008.

[No. L-11012/16/97-IR (C-I)]
SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

R. N. Rai, Presiding Officer

I.D. No. 86 of 1998

IN THE MATTER OF :

Sh. Subodh Kumar,
A-11, Police Station, Nangloi,
Vikas Vihar, New Delhi. ...Claimant

Versus

The General Manager,
Indian Airlines,
Safdurjung Airport,
New Delhi. ...Respondent

AWARD

The Ministry of Labour by its letter No. L-11012/16/97 IR (Coal-I) Central Government dated 6-3-1998 has referred the following point for adjudication :

The point runs as hereunder :

"Whether the action of the management of Indian Airlines in terminating the services of Sh. Subodh Kumar, Carpenter w.e.f. 26-04-1995 is just and fair ? If not, to what relief the workman concerned is entitled ?"

The case of the workman is that he was engaged by the Engineering Department (Hqrs.) Vayudut Limited w.e.f. 28-06-1994 to work as Carpenter on daily wages Rs. 60 per day to do the repair works of the test panels and work benches of engineering workshops and repairing of crates for transportation of engines, propellers, furniture and interior upholstery at the engineering hanger etc.

That he was engaged by the engineering department without any appointment letter. He was also allowed to mark attendance every month. He was paid monthly wages.

The job of the workman was periodically extended by the Indian Airlines upto 16-5-1995.

That the management did not pay the wages beyond 31-12-1994. The workman raised the matter of non-payment and subsequently by the order of the RLC payment has been made to him.

That the workman was issued entry pass and his services were illegally terminated after he has completed 240 days work. In fact he has worked for 284 days and he is entitled to continue in the services as per rules and law.

The case of the management is that the Company was suffering huge loss in 1991 and onwards. The flight operations were curtailed and a stage was reached when it was decided to wind up its operations being financially not viable.

That M/o Civil Aviation merged the Vayudut with Indian Airlines vide notification dated 25-5-1993.

That due to fire breaking out in Engineering Hanger, Vayudut, Delhi during May, 1994 quite a few test benches/work tables in the Engineering Hanger became unserviceable. The Benches damaged by seepage of water were also to be replaced/repaired. In order to carry out repairs the workman was given carpentary work as one time exercise. Since there was no post of Carpenter existing in the erstwhile Vayudut Limited it was decided to award the jobs involving wood work on contract basis.

That there was no requirement of Carpenter on regular basis. The workman was engaged to repair wooden furniture, damaged due to fire and seepage of water. The workman was engaged as one time exercise by the Engineering Department from 28-6-1994.

That Vayudut Limited has no relationship of employer and employee between the management and the workman. The regular employees made their attendance on registers kept for that purpose whereas the workman put his signatures on different papers.

That the workman was engaged purely for fixed period however, the periods were extended as per the repair work.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he was engaged on regular basis and he has completed 240 days work, so he was entitled to retrenchment compensation and one month's pay in lieu of notice whereas he was illegally removed by the management.

It was submitted from the side of the management that the workman was engaged for fixed time and after expiry of the fixed term the workman was asked not to come further. The workman has filed document. The order of 2-12-1994 prove that the workman worked for 28 days in December, 1994 and he was paid wages of 28 days @ Rs. 60 per day i.e. Rs. 780. The workman was further paid Rs. 1800 for 30 days work by order dated 4-1-1995.

The workman has demanded payment upto 25-4-1995 and he has stated in the letter that he was engaged in June, 1994 by Vayudut. The workman has admitted in his cross-examination that he has worked upto 25-4-1995 and payment has been made upto 25-4-1995. He has stated in the affidavit that he has worked for 300 days.

From perusal of the records it transpires that the workman was engaged as Carpenter for a fixed period and he has worked from 28-6-1994 to 24-4-1995.

From the documents filed by the workman it becomes quite obvious that his engagement has been extended from time to time by approval of the competent authority. He was initially engaged for 28 days in November, 1994 and 30 days in December. He has not filed proof of his working days of the other months.

From the documents filed by the management it becomes quite obvious that the workman was made payment on the approval of the competent authority. The photocopies of those approval letters have been filed.

From perusal of these approval letters it becomes quite obvious that due to fire and seepage of water, benches, tables etc. were damaged and there was requirement of a Carpenter for repair of those benches and the workman was assigned the job on daily wages basis to do the repair work. He has been engaged periodically from 28-6-1994 to 25-4-1995, no doubt but there is no proof that he has worked for 240 days.

The payment vouchers show that the workman was given engagement after approval of the concerned authority and in view of the need of the repair work. The period was extended. The workman has not denied that fire did not break out in Vayudut Limited. It is not also denied that benches and other wooded items were not destroyed by the fire. The workman has not filed any document to show that there was any regular Carpenter employed by Vayudut, so it becomes quite obvious that the management took the work from this Carpenter for repair of work only of the benches and other wooded items and when the work was completed the workman was not further required and he was not further engaged.

His engagement was temporary in view of the damages of benches etc. Payment to him has been made for that particular period. He was not a muster roll or casual employee.

The provisions of Section 25F of the ID Act, 1947 is not required as he was not engaged on muster roll basis or as a casual labour. He was engaged for the repair work and wages of Rs. 60 per day was given given to him. He is not entitled to retrenchment compensation or one month's pay in lieu of notice as he has not completed 240 days. He is also not entitled to reinstatement.

The reference is replied thus :

The action of the management of Indian Airlines in terminating the services of Sh. Subodh Kumar, Carpenter w.e.f. 26-4-1995 is just and fair. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Dated : 29-4-2008 R. N. RAI, Presiding Officer

नई दिल्ली, 13 मई, 2008

का. आ. 1307.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इण्डिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 30/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-5-2008 को प्राप्त हुआ था।

[सं. एल-12012/226/1995-आई आर (बी-I)]
एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 13th May, 2008

S.O. 1307.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 30/1997) of Central Government Industrial Tribunal-cum-Labour Court-II, New Delhi, as shown in the Annexure, in the Industrial Dispute between the management of

State Bank of India, and their workmen, which was received by the Central Government on 13-5-2008.

[No. L-12012/226/1995-IR (B-I)]
N. S. BORA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

PRESENT :

R. N. Rai, Presiding officer.

I.D. No. 30 of 1997

IN THE MATTER OF :

Sh. Vijay Kumar Sharma,
(Smt. Ranjana Sharma, Legal Heir),
C/o Shri J. N. Kapoor,
33-34, Bank Enclave,
Ring Road, Rajouri Garden,
New Delhi-110027. ...Claimant

Versus

The Assistant General Manager,
State Bank of India,
Region-III, Zonal Office,
11, Sansad Marg,
New Delhi-110001. ...Respondents

AWARD

The Ministry of Labour by its letter No. L-12012/226/95-IR(B) Central Government dated 7-2-1997 has referred the following point for adjudication :

The point runs as hereunder :

"Whether the action of the management of SBI in terminating the services by way of deemed voluntarily retired of Shri Vijay Kumar Sharma, Clerk w.e.f. 30-6-1994 is justified ? If not, to what relief the concerned workman is entitled ?"

The workman Vijay Kumar Sharma has raised this dispute, but while pendency of the dispute he expired and his wife Smt. Ranjana Sharma (Legal Heir of the deceased workman) has been brought on the record.

The case of the workman is that he joined the services of the SBI in permanent capacity as Clerk at its Tarantaran Branch in Punjab w.e.f. 20-02-1989. He was transferred to Pullighar, Amritsar Branch.

The further case of the workman is that political disturbances and terriorist activities started in the state of Punjab in the year 1984 and it was on its perk from 1983-84. That Sh. K. K. Sharma, IPS was his brother-in-law. The terrorist gave threatening to kill his brother. The workman and his family members were receiving constant threats of their lives from the terrorist, so the workman could not perform his duties with the management but he has been regularly sending leave applications. He was residing at A-62, Brotherhood Society, Vikaspuri, New Delhi. He has been residing at this address upto December, 1994.

That the workman did not receive any letter or order from the management but he reported for duty to the Branch Manager, Naraina on 25-6-1994 but he was not permitted to join. He visited several at the branch but he was not permitted to join and thereafter he came to know that he has been voluntarily retired..

That the workman used to send letters to the management for leave due to disturbances caused by the terrorist. The workman was not in a position to resume his duties. The order of voluntarily abandonment of service is absolutely illegal.

The case of the management is that the workman was having no leave to his credit but despite that he started absenting himself from duty without submitting any leave application w.e.f. 1-3-1993. The bank vide its notice dated 30-5-1994 asked the workman to report for duty within 30 days but the workman failed to report to duty in response to the said notice served by the bank as such it was found that the workman was not interested in joining the services of the bank. Consequently a notice dated 7-7-1994 was sent to Sh. Sharma stating therein that he has failed to report for duty in response to the notice dated 30-5-1994 so it is deemed that he is voluntarily retired from service of the bank w.e.f. 30-6-1994.

That it has been provided in the BPS that when an employee remains unauthorisedly absent after a period of 90 days, a 30 days notice should be issued to the workman for reporting to duty or showing cause. The workman in this case did not report for duty when 30 days notice was sent to him at his address mentioned in the record. The workman did not turnup so the management under the provisions of the BPS came to the conclusion that the workman was not interested in resuming his work and it was found that he has voluntarily abandoned the work so the order of voluntarily retirement was passed.

The workman did not inform regarding his new address and he did not also send any leave application mentioning the law and order situation prevailing in the state of Punjab.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that the order of voluntarily retirement is illegal. He never intended to abandon the job. He could not report to duty due to the disturbances in the state of Punjab. He kept on informing the management regarding the same and sending applications for medical leave.

It was submitted from the side of the management that it was the duty of the workman to intimate the management regarding his changed address but no such intimation was given to the bank by the workman. The workman was sent 30 days notice after 90 days of unauthorized absence. The workman did not report for duty. His whereabouts were not known by the management so, the management was compelled to pass the order of voluntary retirement.

Annexure-G is an application written by the bank to the workman for granting leave without specifying any date. There is medical certificate attached with its application from Civil Hospital dated 2-5-1992 prior to the date when the workman started himself unauthorisedly absenting from duty. The workman has mentioned his address at A-26, Vijay Nagar, Amritsar so the address mentioned in his application prior to his remaining unauthorisedly absent and the address in that application has been written as 26, Vijay Nagar, Amritsar.

The workman in his cross-examination has stated that after his transfer from Amritsar he was living in a rented house at Delhi at that time when he was voluntarily retired from the bank. He was living in House No. A-62, Brotherhood Society, Vikaspuri, New Delhi. He has further admitted in his cross-examination that he did not remember the name of the landlord of the house. The workman has not filed any proof to establish that he was residing in H. No. A-62, Brotherhood Society, Vikaspuri, New Delhi that is why he did not remember the name of the landlord of that house. The workman has also stated in his cross-examination that he has filed on the record the letters received on this address but after search of the record the representative of the workman could not point out any such letter and it has been observed by the then P.O. in brackets.

The workman has further stated in his cross-examination that he never lodged the report at any Police Station regarding the fact that he was receiving threat from the terrorist at Punjab since his brother-in-law was in Police Service as IPS.

The workman has also admitted in his cross-examination that he has not mentioned the fact of threats from the terrorist in any of his leave application.

The workman has further admitted that the workman has not given any written information to the bank regarding his residential address at Delhi. He has further stated that his address was recorded while he proceeded on transfer at the time of his transfer and posting a form which was filled up by him.

It was submitted by the bank that there is no such practice in the bank to get a form filled up at the time of transfer.

The workman has annexed with the record Annx. A, C & D. Annx. A is letter dated 9-8-1994. Annx. B is letter dated 24-10-1994. These letters relate to the period after his voluntary retirement. The workman has not filed any letter or application to indicate that he has intimated the bank regarding his illness and he sent leave applications to the bank. There is no leave application of the workman supported by the medical certificate on the record.

The workman has filed affidavit dated 16th December, 1998. In this affidavit no document has been exhibited and the two registered letters filed by the workman along with the claim statement relate to the period after the order of his compulsorily retirement. These two letters dated 9-8-1994 and 24-10-1994 are request for allowing him to join duty at Naraina Branch immediately.

From perusal of the records it transpires that the workman did not apply to the management for any medical leave. He has not filed any photocopy of leave application or even photocopy of medical certificate.

The workman has stated in his claim that he informed the management through post regarding his illness and he went on sending leave applications supported by medical certificate. No such applications have been sent to the management nor have been placed on record. The workman has not denied that he has exhausted all his leave when he remained unauthorisedly absent for more than one year and three months. The workman has also not denied that he was not absent. The workman has not filed any proof to show that he resided on the changed address and he has informed the management regarding the same.

It has been held in 2001 I LLJ as under :

"Termination of Services—Employee of bank—for unauthorized absence from duty–Employee defaulted in not offering explanation for unauthorized absence from duty nor placed any material to prove he reported for duty within 30 days of notice as required in terms of Bipartite Settlement—High Court proceeded on erroneous basis of non-compliance with principles of natural justice—There was agreement between parties as to manner in which situation should be dealt with any consequences that would follow—High Court's order set aside."

The management has given 30 days notice after his 90 days absence. He did not turn up or filed any explanation regarding his unauthorized absence. The management has rightly treated the workman as voluntary retired.

The reference is replied thus :

The action of the management of SBI in terminating the services by way of deemed voluntarily retired of Sh. Vijay Kumar Sharma, Clerk w.e.f. 30-6-1994 is justified. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Dated : 29-4-2008. R. N. RAI, Presiding Officer

नई दिल्ली, 13 मई, 2008

का. आ. 1308.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इण्डिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 216/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-5-2008 को प्राप्त हुआ था।

[सं. एल-12012/76/1998-आई आर (बी-I)]

एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 13th May, 2008

S.O. 1308.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 216/1998) of the Central Government Industrial Tribunal-cum-Labour Court-II, New Delhi, as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of State Bank of India, and their workman, which was received by the Central Government on 13-5-2008.

[No. L-12012/76/1998-IR (B-I)]

N. S. BORA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

R. N. Rai, Presiding Officer.

I.D. No. 216 of 1998

IN THE MATTER OF :

Sh. Jugmander,
C/o Shri Phool Singh Pal,
1037, Janakpur, Nikat Purani Roorkee Chungi,
Roorkee Road,
Muzaffarnagar-251 001. ...Claimant

Versus

The Chief Manager,
State Bank of India,
SBI Main Market,
Muzaffarnagar-251 001 (UP). ...Respondents

AWARD

The Ministry of Labour by its letter No. L-12012/76/98-IR(B-I) Central Government dated 30-10-1998 has referred the following point for adjudication :

The point runs as hereunder :

"Whether the action of the management of State Bank of India, Muzaffarnagar in terminating the services of Sh. Jugmander, Ex. Daily paid worker w.e.f. 11-07-1997 is just, fair and legal? If not what relief he is entitled to and from what date ?"

The case of the workman is that he was appointed in State Bank of India, Main Market, Muzaffarnagar (UP) on 4th April, 1990 against a permanent and regular vacancy. He has been performing all the duties of messenger-cum-water boy cum general service. He has been cleaning the tables and counters. He has been bringing water from outside and was serving the same to the staff and the customers of the bank. He was also performing outdoor duty.

That the services of the workman were terminated illegally for malafide reasons. That the workman has completed 240 days service in the bank in a calendar year during the period 4-4-1990 to 10-7-1997.

The case of the management is that the workman was merely engaged on casual basis as daily paid workman on few occasions while he was running a canteen at the Main Market Branch of SBI at Muzaffarnagar (UP).

That the bank has no legal obligation to run the canteen in their branches and offices. The bank agreed to give subsidy to the canteen only for Staff Welfare. The workman took up the job of canteen running at the Main Market Branch at Muzaffarnagar and he was therefore, a self-employed person who was running the Staff Canteen and was doing LIC work and was earning profits from the job of running of canteen and the business of LIC agent.

The workman was operating a Canteen as his self employment. The bank gave subsidy to the canteen, it was run by the LIC.

The representative of the workman Sh. J. N. Kapoor has filed affidavit and he has been cross-examined by the management. The management has filed affidavit but the management could not produce the witness for cross-examination.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim

statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It transpires from perusal of the records that the case proceeded exparte and the case was fixed for disposal of the application but both the parties may have agreed to advance argument on the entire merits so the case was posted by the then P.O. for final argument. Both the parties have filed written argument. The parties were heard orally.

It was submitted from the side of the workman that he served the management continuously from 1990 to 1997 and his services were illegally terminated in 1997 when he made representation for regularization. His services have been terminated illegally without payment of retrenchment compensation.

It was submitted from the side of the management that the workman was running a canteen run by the LIC. Payment to him was made by the LIC. No payment to him was made directly by the management. The canteen was run for the facilities of the staff. It is not the statutory canteen. No payment from the bank was made to the workman who ran the canteen.

It was further submitted that sometimes in cases of urgency on 2-3 occasions extra work has been taken from the workman and payment has been made to the workman for the same.

From the cross-examination of the representative of the workman Sh. Kapoor it is vivid that he has stated in his cross-examination that Jugmander was messenger-cum-water boy and was paid additional wages.

It has been also stated in cross-examination that an application on 5-6-2000 was moved for summoning the documents. This application may have not been allowed by the Court. The Branch Manager did not forward his application for regularization.

The workman has filed photocopy document bearing no seal and signature dated 12-8-1996. He has been paid wages of Rs. 15. If this paper is taken to be admissible in evidence, the workman discharged his duties on 12-8-1996 for fetching water and he has been paid for that Rs. 15.

Another paper is not legible. Wages of Rs. 15 has been paid to somebody for fetching water.

The photocopy document dated 14-11-1996 is a receipt of Olympic Electric Repair of Rs. 35. Sh. Jugmander has put his signature on it. The photocopy receipt dated 19-2-1997 is of Rs. 35, it is Lion electric Lamps, the workman has put his signature. Besides these four documents the workman has not filed any other document regarding his working days.

The case of the workman is that he has worked from 1990—1997 and has received payment from the bank. He should have filed the vouchers through which the payment has been made to him or atleast moved application for summoning the vouchers. Even no photocopy voucher of payment has been filed by the workman. No document showing engagement of the workman for such a long period has been filed by the workman.

The admitted case of the management is that the workman ran a canteen maintained by the LIC and he received payment from the LIC. He earned profits from the canteen and on two-three occasions he was asked to fetch water and some articles of payment has been made to him.

The workman has filed only four photocopy documents. Two documents relate to payment of Rs. 15 for fetching water and other two relate to purchase of electric items. The workman has not filed any other document regarding his payment and regarding the work assigned to him.

The representative of the workman has stated that he was a canteen boy, so the fact of the workman being engaged in the canteen to run a canteen is admitted even to the workman. It is not proved that the canteen is a statutory canteen. It is also not proved that the canteen was run by the bank. Any association may run the canteen for the welfare of the employees and the bank gave subsidy but the man who runs the canteen cannot be said to be engaged by the bank.

It is settled law that even in exparte cases the workman has to prove by cogent documentary evidence about his working days. Affidavits are self serving and the averments of claim statement cannot be proved by filing affidavit.

In the instant case the workman even has not filed affidavit regarding his working days. His representative has filed affidavit on behalf of the workman and he has admitted that the workman was a canteen boy.

The workman has failed to establish that he was engaged by the management and there was master and servant relationship. In case he ran the canteen it cannot be deemed to be an employee of the bank, unless he proves that the bank engaged him and the bank paid for the canteen work. The workman has not proved the averments of his claim statement.

The reference is replied thus :

The action of the management of State Bank of India, Muzaffarnagar in terminating the services

of Sh. Jugmander, Ex. Daily paid worker w.e.f. 11-7-1997 is just, fair and legal. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Date : 28-4-2008 R. N. RAI, Presiding Officer

नई दिल्ली, 13 मई, 2008

का. आ. 1309.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई.एन.जी. वैश्य बैंक लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलौर के पंचाट (संदर्भ संख्या 52/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-05-2008 को प्राप्त हुआ था।

[सं. एल-12012/167/2005-आई आर (बी-I)]
एन.एस. बोरा, डेस्क अधिकारी

New Delhi, the 13th May, 2008

S.O. 1309.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 52/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of ING Vysya Bank Ltd., and their workmen, which was received by the Central Government on 13-05-2008.

[No. L-12012/167/2005-IR (B-I)]
N.S. BORA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 16th April, 2008

PRESENT :

Shri A.R. Siddiqui, Presiding Officer

C.R. No. 52/2005

I PARTY

Shri Vasudev Rao,
S/o Venkat Rao Desai,
No. 1, Khadi Bhavan
Building, Main Road,
Super Market,
Gulbarga,
Karnataka State

II PARTY

1. The President,
HRD Head Employee
Relations,
ING Vysya Bank Ltd.,
Corporate Office,
No. 2, MG Road,
Bangalore

2. The Asstt. Vice President,
ING Vysya Bank Ltd.,
Dr. Annapurna Hagardi
Building,
Rajesh Mansion,
Super Market,
Gulbarga

3. The Vice President,
ING Vysya Bank Ltd.,
Regional Office,
IVth Floor, Naspur House,
Himayantnagar,
Hyderabad

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of Section 10 of the Industrial Disputes Act,1947 has referred this dispute vide order No. L-12012/167/2005-IR(B-I) dated 17th November, 2005 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the management of ING Vysya Bank Ltd., for refusal to reinstate Shri Vasudev Rao S/o Shri Venkat Rao as PD Deposit Collector and in not extending the incentive commission, conveyance allowance and gratuity to him as per the Hon'ble High Court of Andhra Pradesh Judgement dated 28-03-1997 which was also upheld by the Hon'ble Supreme Court of India vide judgment dated 13-2-2001 is justified? If not, what relief workman is entitled to ?"

2. The case of the first party workman, as made out, in the claim statement in brief and relevant for the purpose is that he was working as Pragati Deposit (PD) Collector since 1979 and was collecting deposit to the tune of Rs. 6 to 7 lakhs per year working under the control of the Chief Manager of the Management at their Gulbarga Branch. Though, he and other PD Collectors working at the said branch were not being treated as employees of the bank, even then, the first party was rendering extraordinary services to the bank without any complaints against him; that the first party was to be on leave from 01-03-1991 to 31-10-1994 due to his ill health submitting his leave application. When he recovered from his illness completely, he sought to report for duty vide his letter dated 07-11-1994 but was not permitted to do so by the management. He then made another representation dated 07-03-1996 to issue him PD cards for continuation of deposit collection work. His case was recommended vide letter dated 25-04-1996 to the Divisional Manager, Divisional Office, Gulbarga. However, the Divisional Office vide their letter dated 07-06-1996 advised the branch office to take action to discharge the first party

workman forthwith. In the result, the request of the first party to resume his work as PD Collector was turned down by the management. He then made a representation dated 6-11-1997 to the Dy. General Manager (HRD) Vysya Bank, Administrative Office, Bangalore seeking his intervention in the matter followed by another representation dated 02-03-1998 but of no avail. He, then, approached the Regional Manager for considering his request and after having failed in his efforts at all levels he approached the Labour Court, Gulbarga under Section 10(4-A) of the ID Act, seeking relief of reinstatement and other benefits. His claim was rejected by the Labour Court, Gulbarga on the ground that the second party was a banking company and the court has no jurisdiction to entertain his claim under Section 10(4-A) of the ID Act. Then he approached the ALC(C) Bellary resulting into the present proceedings. The first party then referred to the award passed by the Industrial Tribunal, Hyderabad where under the deposit collectors were held to be the 'workman' under Section 2(s) of the ID Act, and were granted the relief of regularization of their services. He also referred to the orders of Hon'ble High Court and thereafter the orders of Hon'ble Supreme Court on the award passed by the aforesaid Industrial Tribunal of Hyderabad. He then contended that in the light of the aforesaid decisions of the High Court as well as the Supreme Court, the deposit collectors since have been held to be the 'workman' his services could not have been discontinued by the management without following the mandatory provisions relating to the retrenchment under the ID Act. He contended that he worked with the management as a PD Collector since the year 1979 till he failed to attend the said work from 1-03-1991 to 31-10-1994 due to his ill health. He submitted medical certificate while reporting for duty on 07-11-1994 but was not permitted to resume his duty. He submitted that the management before refusing employment to him, did not call for his explanation nor initiated any disciplinary action on allegation of any misconduct and therefore, the refusal of employment to him on 7-11-1994 is not attributable to any disciplinary action and in the result the action of the management is unsustainable in law and was illegal for the reason of violation of the mandatory provisions under Section 25F and 25N of the ID Act. Therefore, he requested this tribunal to pass an award holding that the action of the management in refusing work to him from 7-11-1994 amounts to termination of his services by way of retrenchment and the same is void ab initio and illegal with a direction to the management to reinstate him in service with full back wages, continuity of service and all other consequential benefits.

3. The management by its counter statement not disputing the fact that the first party was working with them as a PD Collector vide agreement dated 09-05-1979, however, contended that he was just working as an agent receiving commission on the amount collected by him by way of deposit. Therefore, he was not an employee of the bank and the dispute raised by him does not come under the purview of the provisions of ID Act. The management contended that on verification of collection register, it was found that the first party was very irregular in collection of Pragathi Deposits inviting several complaints from the depositors. He. was advised on several occasions to be regular but to no avail. Therefore, he was issued with a memo dated 13-12-1988 calling upon him to surrender the collection cards with his explanation. Even then, he did not show any improvement and by his letter dated 01-01-1992, he admitted that he was not doing the collection work since 25-11-1991. Therefore, the first party himself, stopped doing the agency work for several years starting from 1991 onwards abandoning his contract of service under the agency agreement up till 31-10-1994. He made an application on 7-11-1994 stating that he was prevented from doing the work of Collection of deposits on account of his ill health and he may be permitted to commence the PD collection work. He did not produce any medical certificate at that time. However, vide letter dated 7-03-1996 he came out with a medical certificate showing the period of his sickness from 1-05-1991 to 31-10-1994. This itself, shows that his alleged illness was a falsehood. The management contended that the bank could not render the service as expected by the customers for a long period of over 3 years which resulted into closure of all P.D. Accounts and now the bank has no single PD account in the Gulbarga branch for which the first party alone is responsible. The other PD Collector who was working in the branch had committed misappropriation of the fund and his agency was terminated and the scheme has been discontinued in toto. Therefore, the question of claiming of reinstatement as PD Collector does not arise; that the first party from 7-11-1994 onwards started making request with the management to give him permission to do the work of collection of deposits and since the public lost confidence in the first party for his absence and the bank discontinued the scheme at Gulbarga, the question of entrusting the agency again to the first party did not arise. Therefore, the management is fully justified in not giving the agency once again to the first party and the first party himself terminated the agency by remaining absent from collecting deposits for the period of 3 years from 1-05-1991 onwards. Therefore, the management requested this tribunal to reject the reference.

4. During the course of trial, the management examined one Pampi Veera Reddy said to have been the Associate Vice President of the management working as Branch Head at Gulbarga branch who in his affidavit evidence just reiterated the various contentions taken by the management in its counter statement. In his further examination chief he got marked six documents at

Ex. M1 to M6 namely, the agency contract letter dated 9-05-1997, Memo dated 30-4-1988, show cause notice dated 24-12-1991, letter of the first party dated 1-01-1992, application dated 7-11-1994 submitted by the first party to issue the PD cards and the letter dated 7-03-1996 of the first party with medical certificate. In his cross examination at the very opening sentence he admitted that Pragathi Deposit Scheme is still in existence. He was confronted with a circular copy in respect of the interest rates on Pragathi Deposit Scheme and was marked at Ex. W1. He was unable to say if the first party was handling about 110 PD deposits at the relevant point of time and his monthly collection was about Rs. 50,000 to 60,000. It was elicited that there was another PD Collector apart from the first party and that in between the year 1991 & 1994 when the first party failed to do the collection work his job was entrusted to the other PD Collector. He denied the suggestion that there was no complaints against the first party by any customer with regard to the deposit collection. It was elicited that one Mr. Sudendra was the Chief Manager at the relevant point of time and the letter dated 25-04-1996 at Ex. W2 is written by the said Chief Manager to the Divisional Manager. He admitted that the first party did not submit his resignation as required under Clause 7 of the appointment order. He admitted that in response to the representation made by the first party in the year 1994 to permit him to resume duty, there was no reply given by the management either in the negative or in the affirmative. He admitted that they have not made any order at any point of time terminating the services of the first party. He denied the suggestion that the first party was suffering from ill health between 1991 and 1994 to the knowledge of the management. He admitted that the first party produced medical certificate and fitness certificate for the year 1996 and no enquiry was conducted by the bank to ascertain the truth of illness of the first party. He denied the suggestion that the services of the first party still can be very much utilised taking him back in service as the above said PD Scheme is in existence and popular with the people.

5. As against this, the first party also filed his affidavit evidence repeating the various averments made in his claim statement. In his further examination chief he got marked in all 9 documents at Ex. W3 to W11. In his cross examination he admitted that it is as per the application dated 22-03-1979 he was provided with the job of pigmy agent in the scheme called Pragathi Deposit Scheme of the bank and accordingly, there was an agreement between the parties at Ex. M1. It was elicited that there was a memo issued to him as per Ex. M2 and M3 on the complaint of the depositors. He admitted that he stopped collection work from the year 1991 till the year 1994 but denied the suggestion that it was not done to the intimation of the bank. He admitted that for the first time he intimated to the bank as per his letter dated 1-01-1992 marked at Ex. M4. He denied the suggestion that on account of his stopping collection work many account holders have got closed their pigmy accounts in the bank. Then he was asked about his representation dated 7-11-1994 as per Ex. M5. He denied the suggestion that he himself had given up the work of collection and he himself terminated the agency. He denied the suggestion that the medical certificate produced by him along with Ex. M6 and his leave application at Ex. W7 is created one. He denied the suggestion that he was also carrying out the work of newspaper agent while working as a Pigmy agent. He admitted that services of one Mr. Ramaiah who was working as a pigmy agent was terminated by the management alleging misappropriation of the funds on 13-12-1999.

6. Commenting upon the aforesaid oral and documentary evidence, learned counsel for the management vehemently argued that the first party to blame himself for termination of his agency as undisputedly he did not carry out the work of pigmy collection for about a period of 3 years without any intimation to the bank authorities. Learned counsel submitted that it is for the first time the first party by application dated 7-11-1994 i.e., after about a period of 3 years requested the bank to issue PD cards and to permit him to resume the duty, that too, without filing any medical certificate in support of his case that he was not keeping well for about a period of 3 years earlier to that application. He contended that the story of the first party that he was not keeping well for about a period of 3 years earlier to that application. He contended that the story of the first party that he was not keeping well is a make belief story as the above said application was not accompanied by medical certificate and that the first party came out with the medical certificate only on 7-03-1996 along with another application to resume duty. Therefore, learned counsel submitted that since the first party himself did not do the job of a pigmy agent for such a long period and was not able to satisfy the management for his absence from the work of collection of the deposit for a pretty long time, the management cannot be held to be responsible for the termination of agency of the first party particularly, when he was not a regular employee of the bank.

7. Whereas, learned counsel for the first party submitted that the first party could not carry out the work of pigmy agent for the aforesaid period of 3 years and more suffering from ill health and to that effect he filed the medical certificate along with his letter dated 7-3-1996 marked at Ex. M6 and therefore, his agency or services could not have been terminated by the management or he could not have been refused employment particularly, when the management did not issue any letter to the first party calling upon him to resume duty or seeking his explanation for remaining agent from

the work that too for such a long period. Learned counsel submitted that the management did not take such an action against the first party as it was to the knowledge of the management that the first party was not keeping well during the aforesaid period. Therefore, learned counsel submitted that he should have been allowed to resume the work of PD Collector at least after he submitted a letter dated 7-3-1996 along with the medical certificate, genuineness of which is yet to be challenged by the management. Learned counsel submitted that the above said Pragathi Scheme in the very words of the management witness is still in existence and therefore, it would be in the interest of justice and equity if the first party is allowed to continue the work of pigmy agent with the management branch at Gulbarga along with other consequential benefits.

8. Therefore, in the light of the above, the points of reference to be determined by this tribunal would be 'whether the first party is entitled to the relief of incentive commission, conveyance allowance and gratuity to him as per the decision of their Lordship of Supreme Court dated 13-02-2001 along with the relief of reinstatement.'

9. Now, coming to the question of the above said benefits which could have been extended to the first party, if he could establish before this tribunal that the management terminated his services or refused employment to him illegally in violation of the provisions of the ID Act. In the instant case both the first party as well as the management are to be blamed for the state of affairs and the situation created. Here is the case where the first party stopped working as pigmy agent not doing the work of deposit collection for about a period of 3 years between 1991 and 1994 without any intimation to the management. He, for the first time, comes forward along with application dated 7-11-1994 seeking permission of the management to resume the above said job of pigmy agent on the ground that he was not keeping well for about a period of 3 years earlier to that. He did not submit any medical certificate to justify his absence from the job of collection of the deposits. Once again the first party comes out with a letter dated 7-03-1996 with a medical certificate to show that he was suffering from ill health for the aforesaid period of 3 years during which period he did not collect the deposits. Therefore, the conduct of the first party as to be seen from the above said activities would tell the tale upon the fact that he did not do the job of the collection of the deposits for the aforesaid period of 3 years for no good reasons as otherwise he could have produced the medical certificate along with his application dated 7-11-1994 itself, marked at Ex. M5 before this tribunal. The fact that he produced medical certificate after about a period of more than 15 to 16 months from the date of his earlier application would make it abundantly clear that his explanation or stand taken by him that he was not keeping well during the said period was not based upon the truth and the same time the management also cannot be let scot free for the latches committed by it in not calling upon the first party either by way of call notice or by way of show cause notice for his alleged absence from the work. Absolutely no action was taken by the management against the first party at any point of time during the aforesaid period or subsequent thereto. Therefore, here is the case where both the parties have not acted in terms of the above said agreement at Ex. M1 entered into between them. That apart, when the first party admittedly did not work with the management for the period in question, question of extending benefits of Incentive Commission, Conveyance Allowance and Gratuity to him from the date he remained absent from work till to date never arose. Now the only question to be considered would be 'whether he can be given the relief of reinstatement to do the job of pigmy collector itself under the facts and circumstances of the case'. As noted above, the management witness, MW1 has admitted that the above said Pragathi Scheme is still in existence. It has also come in evidence that the other PD collector who was working along with the first party is no more in the service of the management branch, he being removed from service for misappropriation of the funds belonging to the management branch. Therefore, when the scheme is still in existence and the job of the pigmy agent is still available with the management branch, it will be in the interest of justice and equity to restore the services of the first party as a PD collector, which services he was rendering before he stopped doing the work of collection some where in the year 1991. Hence the following award :

AWARD

The management is directed to restore the services of the first party as a PD collector without paying him any benefits as against Incentive Commission. Conveyance Allowance and Gratuity etc. No costs.

(Dictated to PA, transcribed by her, corrected and signed by me on16th April, 2008).

A.R. SIDDIQUI, Presiding Officer

नई दिल्ली, 13 मई, 2008

का. आ. 1310.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फैडरल बैंक लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, एर्नाकुलम के पंचाट (संदर्भ संख्या 270/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-05-2008 को प्राप्त हुआ था।

[सं. एल-12011/12/1994-आई. आर. (बी-I)]

एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 13th May, 2008

S.O. 1310.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 270/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure, in the Industrial Dispute between the management of Federal Bank Ltd., and their workman, which was received by the Central Government on 13-05-2008.

[No. L-12011/12/1994-IR (B-I)]
N.S. BORA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

PRESENT :

Shri P.L. Norbert, B.A. LL.B., Presiding Officer

(Friday the 25th day of April, 2008/5th Vaisakha 1930)

I.D. No. 270 of 2006

(I.D. 39/95 of Labour Court, Ernakulam)

Union : The General Secretary,
Federal Bank Staff Union,
No. 2, Champion Building,
Bank Junction,
Alwaye-683 101

By : Adv. Sri A.B. Shenoy

Management : The Chairman,
Federal Bank Ltd.,
Head Office, Alwaye-683 101

By Adv. M/s. B.S. Krishnan Associates

This case coming up in Adalath on 25-04-2008, this Tribunal-cum-Labour Court on the same day passed the following.

AWARD

This is a reference made under Section10(1)(d) of Industrial Dispute Act for absorption of temporary subordinate employees in permanent vacancies.

2. When the matter came up for consideration parties suggested for a settlement. Accordingly the reference was taken up in Adalath and negotiated. The request of the union was that the temporary employees who are now out of service should get an opportunity to apply for the permanent posts which are notified to be filled up by recruitment. The management agreed that this grievance of the union can be met by publishing a copy of notification of recruitment in respective Regional Offices of the bank. This was acceptable to the union and they expressed their willingness not to proceed further with the dispute. A separate memorandum of settlement was signed by the parties.

In the result, an award is passed in terms of the settlement which is appended to the award.

The award will come into force one month after its publication in the official gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 25th day of April, 2008.

P. L. NORBERT, Presiding Officer

APPENDIX—NIL

IN THE CGIT-CUM-LABOUR COURT, ERNAKULAM

ID No. 270 of 2006

The union suggested that there should be some mode of letting the union know about the recruitment being conducted by the bank. In response the management agreed that a copy of notification of recruitment published in branches will also be published in respective Regional Offices of the bank so that union can take note of it. This is acceptable to the union on these terms the parties agree. In view of this agreement the union does not want to proceed with the dispute.

Dated this 25th day of April, 2008.

Sd/-

Petitioner/Union : Shaju Antony

Sd/-

Respondent/Management

Sd/-

Counsel for Petitioner Counsel for Respondent

Mediator

नई दिल्ली, 13 मई, 2008

का. आ. 1311.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सांगली बैंक लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, पुणे के पंचाट (संदर्भ संख्या 8/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-05-2008 को प्राप्त हुआ था।

[सं. एल-12012/113/2007-आई आर (बी-I)]
एन.एस. बोरा, डेस्क अधिकारी

New Delhi, the 13th May, 2008

S.O. 1311.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 8/2007)

of the Central Government Industrial Tribunal-cum-Labour Court, Pune as shown in the Annexure, in the Industrial Dispute between the management of Sangli Bank Ltd., and their workmen, which was received by the Central Government on 13-05-2008.

[No. L-12012/113/2007-IR (B-I)]
N.S. BORA, Desk Officer

ANNEXURE

BEFORE SHRI S.M. KOLHE, INDUSTRIAL TRIBUNAL, PUNE

Reference (IT) No. 8 of 2007

Between :

Sangli Bank Ltd.
Rajwada Chowk,
Sangli ... First Party

AND

Sangli Bank Karmachari Sanghatana
185, Shaniwar Peth
Pune-411 030 ... Second Party

In the matter of : Demand in respect of pay-scale of Shri M.L. Gambhire

Appearances : Shri Gumaste, Advocate for First Party
Shri R.P. Shaligram, Advocate for Second Party

AWARD

Dated 2-4-2008

1. By way of this reference, award was sought on the point as to whether action of first party bank in reducing the pay-scale of second party employee is legal and justifiable.

2. Second party employee has submitted purshis vide Exh. U-5 and sought the withdrawal of the dispute. Second party admits before me that he does not want to proceed with the present matter. He sought permission for withdrawal. Advocate for the second party is also present before me. I granted the permission to the second party to withdraw the dispute.

2. In the result, I dispose of the reference and pass the following award.

AWARD

1. Reference stands disposed of as withdrawn.

3. Award be prepared accordingly.

Pune S.M. KOLHE, Industrial Tribunal
Date : 2-4-2008

नई दिल्ली, 14 मई, 2008

का. आ. 1312.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. डब्ल्यू. डी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 90/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/80/96-आई आर (डीयू)]
नन्दन सिंह बोरा, डेस्क अधिकारी

New Delhi, the 14th May, 2008

S.O. 1312.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 90/1997) of the Central Government Industrial Tribunal-cum-Labour Court, No-II, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of C.P.W.D. and their workman, which was received by the Central Government on 14-5-2008.

[No. L-42012/80/96-IR (DU)]
NANDAN SINGH BORA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT-II, NEW DELHI

PRESENT :

R. N. Rai, Presiding Officer

I.D. No. 90/1997

IN THE MATTER OF :

Sh. Ali Hasan,
C/o CPWD Karamchari Union (Regd.)
Plot No. 1, Aram Bagh,
Near Udasin Mandir,
Paharganj, New Delhi ... Claimant

Versus

The Executive Engineer,
CPWD, Parliament Works Division-I,
I.P. Bhawan, New Delhi.

The Superintendent Engineer,
Co-ordinator, CPWD (Elect.),
I.P. Bhawan,
New Delhi ... Respondents

AWARD

The Ministry of Labour by its letter No. L-42012/80/96-IR(DU) Central Government Dt. 24/25-6-1997 has referred the following point for adjudication :

The point runs as hereunder :—

"Whether the action of the management of CPWD (Executive Engineer), Parliament Works Division,

New Delhi in not regularizing the services of Sh. Ali Hasan, Fitter w.e.f. 10-8-1990 is justified ? If not to what relief to the workman concerned is entitled ?"

The case of the workman is that he was inducted in the department in the capacity of Fitter on 10-8-1990. Since then he is working in the department to the satisfaction of his superiors persistently. At present he is under the control and supervision of the Executive Engineer, Parliament Works Division-I, Delhi.

That the workman has completed 240 days in every year of his engagement. He deserves regularization.

The case of the management is that the workman was not engaged by the department as a government servant. He was engaged on the basis of contract on work order for attending day to day complaints of the fitter in North Avenue, New Delhi. As such his regularization as WC Fitter does not arise, as the management was not bound to regularize the contractor.

That the question of completing 240 days in each year since 1990 does not arise because Sh. Ali Hasan was engaged on contract basis vide work order No. 14/90 dated 10-8-1990 for attending day to day complaints of fitter in North Avenue. He was not engaged on muster-roll, so the question of completing 240 days in each year since 1990 is meaningless.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

From perusal of the pleadings of the parties the following issues arise for adjudication :

1. Whether the workman applicant has completed 240 days work during the tenure of his employment and whether there is employer and employee relationship between the management and the workman ?
2. Whether the claimant is workman in view of Section 2(s) of the ID Act, 1947 ?
3. Whether the claimant is entitled to regularization ?
4. Whether the workmen applicant is entitled to Equal Pay for Equal Work ?
5. To what relief the workman is entitled ?

ISSUE NO. 1

It was submitted from the side of the workman that he was engaged on 10-8-1990 and he is still working in the department on work order basis. He works under the control and direction of the management. The management assigns the duties to the workman as regular employees.

It was submitted from the side of the management that the workman was an independent contractor. He discharged the duties as per the terms of the contract. The management has not denied that the workman did not perform 240 days work from the date of his initial engagement. The workman is still discharging his duties.

From perusal of these photocopies it becomes quite obvious that the workman is working under the control and supervision of the management. The management has decided what is to be done and how it is to be done.

It is settled law that for perennial nature of work engagement of contract labour is prohibited as per Section 10(4) of the CLRA Act, 1970.

In case a workman engaged as contractor, worked under the supervision and control of the management he becomes an employee of the management.

It has been held in (1992) 4 SCC 118. "Regularization—Ad hoc/Temporary govt. employees—Principles laid down—Those eligible and qualified and continuing in service satisfactorily for long period have a right to be considered for regularization—Long continuance in service gives rise to a presumption about need for a regular post—But mere continuance for one year or so does not in every case raise such a presumption—Govt. should consider feasibility of regularization having regard to the particular circumstances with a positive approach and an empathy for the concerned person."

It has been held in 1997 AIR SCW Page 430 that the industrial adjudicator should decide whether there is valid contract or it is a mere ruse/camouflage and if it is found that the contractor is only a name lender the management should be directed to regularize the workmen. In JT 2003 (1) SC 465—the Hon'ble Supreme Court has held that industrial adjudication is appropriate remedy for the alleged contract workers. In (2000) I SCC 126—the Hon'ble Supreme Court has held that there are multiple pragmatic approach/factors which should be considered in deciding employer and employee relationship. According to the criteria there should be control and integration. The management has doubtless control over the alleged workmen as they worked in the establishment of the management. They are integrated to the service of the management. The creation of contract labour is absolutely sham and camouflage and the employer cannot be relieved of his liabilities.

In Pollock Law of Torts a servant and an independent contractor has been defined as under :—

> The distinction between a servant and an independent contractor has been the subject matter of a large volume of case-law from which the text-book writers on torts have attempted to lay down some general tests.

For example, in Pollock's Law of Torts (Pages 62 & 63 of Pollock on Torts, 15th Edn.) the distinction has thus been brought out :

> "A master is one who not only prescribes to the workman the end of his work, but directs or at any moment may direct the means also, or, as it has been put, retains the power of controlling the work, a servant is a person subject to the command of his master as to the manner in which he shall do his work .... An independent contractor is one who undertakes to produce a given result but so that in the actual execution of the work is not under the order or control of the person for whom he does it, and may use his own discretion in things not specified before hand ..... . "

In Salmond's Treatise on the Law of Torts the distinction between a servant and independent contractor has been indicated as under :—

> "What then, is the test of this distinction between a servant and an independent contractor ? The test is the existence of a right of control over the agent in respect of the manner in which his work is to be done. A servant is an agent who works under the supervision and direction of his employer; an independent contractor is one who is his own master. A servant is a person engaged to obey his employer's orders from time to time; an independent contractor is a person engaged to do certain work, but to exercise his own discretion as to the mode and time of doing it—he is bound by his contract, but not by his employer's orders."

The test regarding independent contractor and intermediaries have been laid down in Hussainabhai, Calicut V. The Alath Factory Thezhilali Union Kozhikode {(AIR 1978 SC 1410 (3 Judges)} "the true test may, with brevity, be indicated once again. Where a worker or group of workers labours to produce goods or services and these goods or services are for the business of another, that other is, in fact, the employer. He has economic control over the workers subsistence, skill, and continued employment. If he, for any reason, chokes off, the worker is, virtually, laid off. The presence of intermediate contractors with whom the workers have immediate or direct relationship as contract is of no consequence when, on lifting the veil or looking at the conspectus of factors governing employment, we discern the naked truth, though draped in different perfect paper arrangement, that the real employer is the management, not the immediate contractor. Myriad devices, half-hidden in fold after fold of legal form depending on the degree of concealment needed, the type of industry, the local conditions and the like may be resorted to when labour legislation casts welfare obligations on the real employer, based on Articles 38, 39, 42, 43 and 43-A of the Constitution. The Court must be astute to avoid the mischief and achieve the purpose of the law and not be misled by the maya of legal appearances."

This case law has been affirmed by the Constitution Bench Judgment in Steel Authority of India.

My attention was drawn to another Constitution Bench Judgment—Steel Authority of India. It has been held as under :—

> "Where a workman is hired in or in connection with the work of an establishment by the principal employer through a contractor, he merely acts as an agent so there will be master and servant relationship between the principal employer and the workmen. But where a workman is hired in or in connection with the work of an establishment by a contractor, either because he has undertaken to produce a given result for the establishment or because he supplies workmen for any work of the establishment, a question migIOC arise whether the contract is a mere camouflage as in Hussainabhai Calicut's case (supra) and in Indian Petrochemicals Corporation's case (supra) etc. if the answer is in the affirmative, the workmen will be in fact an employee of the principal employer, but if the answer is in the negative, the workmen will be a contract labourer."

In the instant case the workman has not been hired in connection with the work of a contractor but he has been hired by the management for the work of the respondents. So in the instant case there is contract of service between the principal employer and the workmen.

The Constitution Bench Judgment of Steel Authority of India is squarely applicable in the instant case. In JT 2001 (7) SC 268 it has been held that "121(5) On issuance of prohibition notification under Section 10(1) of the CLRA Act prohibiting employment of Contract Labour or otherwise, in an industrial dispute brought IOC before it by any contract labour in regard to conditions of service, the industrial adjudicator will have to consider the question whether the contractor has been interposed either on the ground of having undertaken to produce any given result for the establishment or for supply of contract labour for work of the establishment under a genuine contract or is a mere ruse/camouflage to evade compliance with various beneficial legislations so as to deprive the workers of the

benefit thereunder. If the contract is found to be not genuine but a mere camouflage, the so-called contract labour will have to be treated as employees of the principal employer who shall be directed to regularize the services of the contract labour in the establishment concerned."

It has been held in this case that whether there is prohibition of contract labour or otherwise the industrial adjudicator will have to consider the question and in case the contract appears ruse and camouflage to evade compliance with various beneficial legislations the so-called contract labour will have to be treated as the employee of the principal employer and he shall be directed to regularize the services of the contract workers.

The workman is still working under the control and supervision of the management. He has not been supplied by any other contractor. There is no contract agreement as per the provisions of the CLRA Act, 1970. The workman is performing regular nature of work. He was engaged by the management and he is working according to their directions. He received monthly payment from the management.

In the facts and circumstances of the case there is master and servant relationship between the management and the workman has completed 240 days in every year of his employment as per even the admission of MWI in his cross-examination. Thus, he has served the management for 240 days every year during the tenure of his employment. There is master and servant relationship between the management and the workmen.

This issue is decided accordingly.

ISSUE NO. 2

It was submitted from the side of the management that the workman is an independent contractor.

My attention was drawn to the judgment of Hon'ble Delhi High Court WP(C) No. 7032 of 2005. The Hon'ble Court has placed the reliance on the circular dated 20-3-1993. The workmen worked under the direction of the Engineer Incharge. In the above circular the management directed the authorities of CPWD to send the list of such daily rated muster roll workers engaged on hand receipt or work order or any other basis defining the existing government instructions ensuring inter alia termination of services of all such workers who have not completed 240 days services in two consecutive years. The probable demand requiring appointment of such workers may also be intimated to this Directorate. As such in the circular of 1993 a complete ban was imposed on engagement of workmen on work order or hand receipt and it was also directed that the list of those workers who have completed 240 days of services should also be intimated to the Directorate. The Hon'ble High Court held that the workers engaged on work order basis shall also be daily rated workers and provisions of Section 25-F of the ID Act, 1947 would be attracted.

The claimant has been continuously engaged on work order basis. He worked under the direction of the management. The management decided what was to be done and how was it to be done. The time and mode of work was decided by the management.

In the circumstances these claimant is a workman in view of Section 2 (s) of the ID Act, 1947.

This issue is decided accordingly.

ISSUE NO. 3

It was submitted from the side of the management that the Hon'ble Apex Court in 2006 (4) Scale has put down a complete ban on regularization and reinstatement. The Hon'ble Apex Court has held that employment can only be made on the basis of procedure established in that behalf envisaged by the Constitution. Equality of opportunity is the hallmark and the Constitution enshrines affirmative action to ensure that unequals are not treated equals. So public employment should be in terms of constitutional scheme.

It was further submitted that the Constitution Bench Judgment has afforded a right according to which the government is not precluded from making temporary appointments or engaging workers on daily wages.

The Government has got no licence to make always appointment of daily wagers and to continue them for life time. Fixed term tenure appointments and temporary appointments cannot be the rule of public employment. At the time of making temporary appointments Articles 14, 16, 21, 23, 226 & 309 are infringed. There is no constitutional mandate that the government is at liberty to go on giving fixed term appointments for the entire tenure of service of an employee.

The Government or Public Sector units cannot continue incessantly to give temporary and fixed term appointments again and again. Since fixed term appointments and temporary appointments are not governed by any constitutional scheme, such discrimination will amount to vicious discretion. The Government of Public Sector unit will go on resorting to the method of pick and choose policy and give temporary and ad hoc appointments to their favorites and thus the principles of equality enshrined in the constitution will be given a go bye. Such is not the intent of the Hon'ble Apex Court. However, in this judgment the provisions of the ID Act governing the services of the workman have not been declared unconstitutional. Reinstatement is the remedy provided in the ID Act for breach of several provisions enumerated therein or for breach of service rules provided in various labour welfare legislations.

In the instant case the management has not denied that the workman is still working as fitter. The workman was initially engaged on 10-8-1990 and he has been continued till now on work order basis as fitter though payment to the workman is made on monthly basis. The workman has worked for long 18 years and the management has not still regularized the workman.

It has been held in Constitution Bench Judgement in Uma Devi's case that in case a workman has worked for 10 years without the orders of a court and against sanctioned post the government should consider the feasibility of regularization of such a workman.

In the instant case the workman has been working continuously for 18 years under the control and supervision of the management. In case he is working for 18 years it cannot be said that there is no post. The post is created on the basis of volume of work. This workman has worked for 18 years and the management cannot say that there is no post.

New posts have been created by the management and those posts are still vacant. The workman has been continued on the work order basis to evade the provisions of the ID Act, 1947. The workman deserves regularization after 10 years of his continuous service i.e. from 10-8-2000 and he is entitled to equal pay for equal work from the date of his regularization.

This issue is decided accordingly.

ISSUE NO. 4

It was submitted from the side of the workman that in view of 1966 LLJ 134, AIR 1991 page 173 and in view of Directive Principles of State policy has confirmed in Article 30(d) of the Constitution a casual workman cannot be denied the same salary of Class-IV employees when they performed the same duties on regular basis. There should be equal pay for equal work and it should be treated as a fundamental right in service jurisprudence.

It has been held in (2003) 6 SCC 123 as under :—

> "The principle of 'equal pay for equal work' is not always easy to apply. There are inherent difficulties in comparing and evaluating the work done by different persons in different organizations, or even in the same organization. It is a concept which requires for its applicability complete and wholesale identity between a group of employees claiming identical pay scales and the other group of employees who have already earned such pay scales. The problem about equal pay cannot always be translated into a mathematical formula."

It is obvious from the judgment that the principles of equal pay for equal work cannot be applied everywhere. A daily wager holds no post. Scale of pay is attached to a definite post. This workman was not holding any definite post, so he cannot be compared with the regular and permanent staff for equal pay and allowances.

It has been further held in (2003) 1 SCC 250 as under :—

> "Equal pay for equal work—applicability of the principle of, held, depends not only on the nature or volume of work but also on the qualitative difference in reliability and responsibilities as well—Even in case of same functions, responsibilities do make a real and substantial difference—It is for the claimant of parity to substantiate a clear-cut basis of equivalence and a resultant hostile discrimination—In absence of requisite substantiating material, High Court erred in granting the NMR workers/daily wagers/casual workers parity in pay with the regularly employed staff merely on presumption of equality of the nature of work—However, such workers, held, entitled to payment of prescribed minimum wages."

It has been held in this case that equal pay for equal work would depend upon not only the nature or the volume of work but also on the qualitative difference as regards reliability and responsibilities though the functions may be the same.

The workman is still working with the management since last 18 years, so he is entitled to Equal pay for Equal work.

This issue is decided accordingly.

ISSUE NO. 5

From perusal of the findings of the other issues it becomes quite obvious that the workman was engaged on work order basis since 10-8-1990 and he is being still continued on the basis of work order. It has been held that the contract of work order is sham and ruse. The management is paying monthly wages to the workman for almost 18 years. The workman deserves regularization after 10 years of his initial engagement i.e. 10-8-2000 and he is entitled to equal pay for equal work from 10-8-2000.

This issue is decided accordingly.

The reference is replied thus :—

The action of the management of CPWD (Executive Engineer), Parliament Works Division, New Delhi in not regularizing the services of Sh. Ali Hasan, Fitter w.e.f. 10-8-1990 is not justified. The workman is entitled to regularization and equal pay for equal work from 10-8-2000. The management should regularize the workman w.e.f. 10-8-2000 and pay him all the wages of regular employee within two months from the date of the publication of the award.

The award is given accordingly.

Date : 9-5-2008 R. N. RAI, Presiding Officer

नई दिल्ली, 14 मई, 2008

का. आ. 1313.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. डब्ल्यू. डी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 180/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/184/96-आई आर (डी यू)]
नन्दन सिंह बोरा, डेस्क अधिकारी

New Delhi, the 14th May, 2008

S.O. 1313.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 180/97) of the Central Government Industrial Tribunal-cum-Labour Court, No II, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of C.P.W.D. and their workman, which was received by the Central Government on 14-5-2008.

[No. L-42012/184/96-IR (DU)]
NANDAN SINGH BORA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

R. N. Rai, Presiding Officer

I.D. No. 180/1997

IN THE MATTER OF :

Sh. Gurucharan,
C/o CPWD Mazdoor Union,
E-26 (Old Qtr.) Raja Bazar,
Baba Kharak Singh Marg,
New Delhi-110 001. —Claimant

VERSUS

The Executive Engineer,
"S" Division, CPWD, East Block,
R. K. Puram, New Delhi. —Respondents

AWARD

The Ministry of Labour by its letter No. L-42012/184/96-IR(DU) Central Government dt. 24-10-1997 has referred the following point for adjudication :

The point runs as hereunder :—

"Whether the action of the management of the management of Executive Engineer "S" Division in terminating the services of Sh. Gurucharan w.e.f. 19-2-1996 and not regularizing his services in the pay scale of Rs. 950—1500 is just, fair and legal ? If not, what relief the workman is entitled to ?"

The case of the workman is that he was engaged by "J" Division initially for the work of sewerman on daily rated and called work order w.e.f. 1-2-1988 and worked continuously upto 18-2-1996.

That the services of the workman were terminated w.e.f. 19-2-1996 with verbal order. The workman was not paid equal pay for equal work.

The case of the management is that the workman was never engaged in the department as sewerman. He worked as a contractor under "J" Division and executed the work himself for cleaning and sewer drainage etc. in Sector 3, R. K. Puram, Inquiry. He was engaged on work order so he cannot claim regularization. He was only a contractor so Section 25F of the ID Act, 1947 is not applicable in termination of his services.

He was a contractor and not a workman so he is not entitled to permanent status after completion of 90 days service. The work order was issued for a particular period.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

From perusal of the pleadings of the parties the following issues arise for adjudication :

1. Whether the workman applicant has completed 240 days work during the tenure of his employment and whether there is employer and employee relationship between the management and the workman ?
2. Whether the claimant is workman in view of Section 2(s) of the ID Act, 1947 ?
3. Whether the claimant is entitled to reinstatement/compensation ?
4. Whether the workmen applicant is entitled to Equal Pay for Equal Work ?
5. To what amount of back wages the workman is entitled ?
6. To what relief the workman is entitled ?

ISSUE NO. 1

The management has examined Executive Engineer and he has stated in his cross-examination that the attendance of the workman was regularly marked by the Junior Engineer of the department.

The workman has filed photocopies of attendance sheets. These photocopy attendance sheets have been certified by the Executive Engineer. Thus, it is admitted to the management that the workman has worked continuously for the period alleged and he has completed 240 days all the years of his employment.

From perusal of these photocopies it becomes quite obvious that the workman has worked under the control and supervision of the management. The management has decided what is to be done and how it is to be done.

It is settled law that for perennial nature of work engagement of contract labour is prohibited as per Section 10(4) of the CLRA Act, 1970.

In case a workman engaged as contractor, worked under the supervision and control of the management he becomes an employee of the management.

It has been held in (1992) 4 SCC 118. "Regularization—Ad hoc/Temporary govt. employees—Principles laid down—Those eligible and qualified and continuing in service satisfactorily for long period have a right to be considered for regularization—Long continuance in service gives rise to a presumption about need for a regular post—But mere continuance for one year or so does not in every case raise such a presumption—Govt. should consider feasibility of regularization having regard to the particular circumstances with a positive approach and an empathy for the concerned person."

It has been held in 1997 AIR SCW Page 430 that the industrial adjudicator should decide whether there is valid contract or it is a mere ruse/camouflage and if it is found that the contractor is only a name lender the management should be directed to regularize the workmen. In JT 2003 (1) SC 465—the Hon'ble Supreme Court has held that industrial adjudication is appropriate remedy for the alleged contract workers. In (2000) I SCC 126—the Hon'ble Supreme Court has held that there are multiple pragmatic approach/factors which should be considered in deciding employer and employee relationship. According to the criteria there should be control and integration. The management has doubtless control over the alleged workmen as they worked in the establishment of the management. They are integrated to the service of the management. The creation of contract labour is absolutely sham and camouflage and the employer cannot be relieved of his liabilities.

In Pollock Law of Torts a servant and an independent contractor has been defined as under :—

> The distinction between a servant and an independent contractor has been the subject matter of a large volume of case-law from which the text-book writers on torts have attempted to lay down some general tests.

For example, in Pollock's Law of Torts, (Pages 62 & 63 of Pollock on Torts, 15th Edn.) the distinction has thus been brought out :

> "A master is one who not only prescribes to the workman the end of his work, but directs or at any moment may direct the means also, or, as it has been put, retains the power of controlling the work, a servant is a person subject to the command of his master as to the manner in which he shall do his work .... . An independent contractor is one who undertakes to produce a given result but so that in the actual execution of the work is not under the order or control of the person for whom he does it, and may use his own discretion in things not specified before hand ..... . "

In Salmond's Treatise on the Law of Torts the distinction between a servant and independent contractor has been indicated as under :—

> "What then, is the test of this distinction between a servant and an independent contractor . The test is the existence of a right of control over the agent in respect of the manner in which his work is to be done. A servant is an agent who works under the supervision and direction of his employer; an independent contractor is one who is his own master. A servant is a person engaged to obey his employer's orders from time to time; an independent contractor is a person engaged to do certain work, but to exercise his own discretion as to the mode and time of doing it—he is bound by his contract, but not by his employer's orders."

The test regarding independent contractor and intermediaries have been laid down in Hussainabhai, Calicut vrs. The Alath Factory Thezhilali Union Kozhikode [AIR 1978 SC 1410 (3 Judges)] "the true test may, with brevity, be indicated once again. Where a worker or group of workers labours to produce goods or services and these goods or services are for the business of another, that other is, in fact, the employer. He has economic control over the workers subsistence, skill, and continued employment. If he, for any reason, chokes off, the worker is, virtually, laid off. The presence of intermediate contractors with whom the workers have immediate or direct relationship as contract is of no consequence when, on lifting the veil or looking at the conspectus of factors governing employment, we discern the naked truth, though draped in different perfect paper arrangement, that the real employer is the management, not the immediate contractor. Myriad devices, half-hidden in fold after fold of legal form depending on the degree of concealment needed, the type of indsutry, the local conditions and the like may be resorted to when labour legislation casts welfare obligations on the real employer, based on Articles 38, 39, 42, 43 and 43-A of the Constitution. The Court

must be astute to avoid the mischief and achieve the purpose of the law and not be misled by the maya of legal appearances."

This case law has been affirmed by the Constitution Bench Judgment in Steel Authority of India.

My attention was drawn to another Constitution Bench Judgment—Steel Authority of India. It has been held as under :—

> "Where a workman is hired in or in connection with the work of an establishment by the principal employer through a contractor, he merely acts as an agent so there will be master and servant relationship between the principal employer and the workmen. But where a workman is hired in or in connection with the work of an establishment by a contractor, either because he has undertaken to produce a given result for the establishment or because he supplies workmen for any work of the establishment, a question mig IOC arise whether the contract is a mere camouflage as in Hussainabhai Calicut's case (supra) and in Indian Petrochemicals Corporation's case (supra) etc; if the answer is in the affirmative, the workmen will be in fact an employee of the principal employer, but if the answer is in the negative, the workman will be a contract labourer."

In the instant case the workman has not been hired in connection with the work of a contractor but he has been hired by the management for the work of the respondents. So in the instant case there is contract of service between the principal employer and the workmen.

The Constitution Bench Judgment of Steel Authority of India is squarely applicable in the instant case. In JT 2001 (7) SC 268 it has been held that "121(5) on issuance of prohibition notification under Section 10(1) of the CLRA Act prohibiting employment of Contract Labour or otherwise, in an industrial dispute brought IOC before it by any contract labour in regard to conditions of service, the industrial adjudicator will have to consider the question whether the contractor has been interposed either on the ground of having undertaken to produce any given result for the establishment or for supply of contract labour for work of the establishment under a genuine contract or is a mere ruse/camouflage to evade compliance with various beneficial legislations so as to deprive the workers of the benefit thereunder. If the contract is found to be not genuine but a mere camouflage, the so-called contract labour will have to be treated as employees of the principal employer who shall be directed to regularize the services of the contract labour in the establishment concerned."

It has been held in this case that whether there is prohibition of contract labour or otherwise the industrial adjudicator will have to consider the question and in case the contract appears ruse and camouflage to evade compliance with various beneficial legislations the so called contract labour will have to be treated as the employee of the principal employer and he shall be directed to regularize the services of the contract workers.

The workman has worked under the control and supervision of the management. He has not been supplied by any other contractor. There is no contract agreement as per the provisions of the CLRA Act, 1970. The workman performed regular nature of work. He was engaged by the management and he worked according to their directions. He received monthly payment from the management.

In the facts and circumstances of the case there is master and servant relationship between the management and the workman and the workman has completed 240 days in every year of their employment as per even the admission of MW1 in his cross-examination. Thus, he has served the management for 240 days every year during the tenure of his employment. There is master and servant relationship between the management and the workmen.

This issue is decided accordingly.

ISSUE NO. 2

It was submitted from the side of the management that the workman is an independent contractors.

My attention was drawn to the judgment of Hon'ble Delhi High Court WP(C) No. 7032 of 2005. The Hon'ble Court has placed the reliance on the circular dated 20-3-1993. The workmen under the direction of the Engineer Incharge. In the above circular the management directed the authorities of CPWD to send the list of such daily rated muster roll workers engaged on hand receipt or work order or any other basis defining the existing government instructions ensuring inter-alia termination of services of all such workers who have not completed 240 days services in two consecutive years. The probable demand requiring appointment of such workers may also be intimated to this Directorate. As such in the circular of 1993 a complete ban was imposed on engagement of workmen on work order or hand receipt and it was also directed that the list of those workers who have completed 240 days of services should also be intimated to the Directorate. The Hon'ble High Court held that the workers engaged on work order basis shall also be daily rated workers and provisions of Section 25-F of the ID Act, 1947 would be attracted.

The claimant has been continuously engaged on work order basis. He worked under the direction of the management. The management decided what was to be done and how was it to be done. The time and mode of work was decided by the management.

In the circumstances these claimant is a workman in view of Section 2 (s) of the ID Act, 1947.

This issue is decided accordingly.

ISSUE NO. 3

It was submitted from the side of the management that even if it is found that there is direct relation of employer and employee the workman may be given compensation in lieu of reinstatement.

It was submitted from the side of the workman that compensation is payable in cases where an undertaking has become sick or it has been closed or it is in economic loss. It has not been established that the respondent is in economic loss and it is a sick Industry.

My attention was drawn by the Ld. Counsel of the workman to 2000 LLR 523 State of UP and Rajender Singh. The Hon'ble Apex Court ordered for reinstatement with full back wages as the services of the daily wager cleaner who worked for 4 years was dispensed with without following the procedure for retrenchment. In the instant case also no retrenchment compensation has been paid.

It has been held in 1978 Lab IC 1668 that in case service of a workman is terminated illegally the normal rule is to reinstate him with full back wages.

My attention was further drawn to AIR 2002 SC 1313. The Hon'ble Supreme Court has held that daily wager even if serving for a short period should be reinstated.

It was submitted from the side of the workman that in the instant case Sections 25 F, G of the ID Act are attracted. In Section 25 of the ID Act it has been provided that if a workman has performed 240 days work and if the work is of continuous and regular nature he should be given pay in lieu of notice and retrenchment compensation.

It has been held by the Hon'ble Apex Court that there is no cessation of service in case provisions of Section 25 F are not complied. In the instant case no compensation has been paid to the workman.

In case a workman has worked for 240 days in a year and the work is of continuous and regular nature he should be paid retrenchment compensation. In case retrenchment compensation is not paid Section 25 F of the ID Act is attracted. There is no cessation of his services. He is deemed continued in service in the eye of law. In case there is breach of Section 25 F the service is continued and reinstatement follows as a natural consequence.

ID Act, 1947 has been enacted to safeguard the interest of the workmen belonging to poor segment of society. It appears that legislature wanted that such workmen should not be harassed un-necessarily so Section 25 F, U, T and Clause 10 of Vth Schedule have been enacted. The objects and reasons of ID Act, 1947 shows that the respondent should not be permitted to indulge in any unfair labour practice. The workmen should not be engaged for years and then they should be removed all of a sudden. There is provision of retrenchment compensation for his removal. Retrenchment compensation is for compensating him otherwise so that he can survive long interregnum of unemployment. In the instant case no retrenchment compensation has been paid.

It was submitted from the side of the management that the Hon'ble Apex Court in 2006 (4) Scale has put down a complete ban on regularization and reinstatement. The Hon'ble Apex Court has held that employment can only be made on the basis of procedure established in that behalf envisaged by the Constitution. Equality of opportunity is the hallmark and the Constitution enshrines affirmative action to ensure that unequals are not treated equals. So public employment should be in terms of constitutional scheme.

It was further submitted that the Constitution Bench Judgment has afforded a right according to which the government is not precluded from making temporary appointments or engaging workers on daily wages.

The Government has got no licence to make always appointment of daily wagers and to continue them for life time. Fixed term tenure appointmetns and temporary appointments cannot be the rule of public employment. At the time of making temporary appointments Articles 14, 16, 21, 23, 226 & 309 are infringed. There is no constitutional mandate that the government is at liberty to go on giving fixed term appointments for the entire tenure of service of an employee.

The Government or Public Sector units cannot continue incessantly to give temporary and fixed term appointments again and again. Since fixed term appointments and temporary appointments are not governed by any constitutional scheme, such discrimination will amount to vicious discretion. The Government of Public Sector unit will go on resorting to the method of pick and choose policy and give temporary and ad hoc appointments to their favourites and thus the principles of equality enshrined in the constitution will be given a go bye. Such is not the intent of the Hon'ble Apex Court. However, in this judgment the provisions of the ID Act governing the services of the workman have not been declared unconstitutional. Reinstatement is the remedy provided in the ID Act for breach of several provisions enumerated therein or for breach of service rules provided in various labour welfare legislations.

A three Judges bench of the Hon'ble Apex Court has held in 1993—II—LLJ that termination of services

affects the livelihood of not only of the employee but also of the dependents. So in case of illegal termination of service the workman should be reinstated.

It was submitted from the side of the management that the appointment of the workman is not in terms of statutory rules. The management is still engaging casual labours. There are statutory rules for engagement of casual labours and they are given temporary status after sometime, it cannot be said that the management is not still engaging casual labours. There is rule for engagement of casual labours in CPWD.

There is no delay in raising the dispute. There is still work of casual labours with the management. The management has not denied that there is no work for casual labours. This workman has worked for two years as casual labour under the control and supervision of the management. Such type of work is still being carried out by the management. So the case law cited above is not applicable in the facts and circumstances of the case.

Reinstatement should not be misconceived as regularization. By the order of reinstatement the status quo ante of the workman is restored. He is given back wages in order to compensate him for his illegal disengagement. This is a special remedy provided in ID Act and it has not been annulled and set aside by any judgment of the Hon'ble Apex Court. The provisions of the ID Act are still constitutional and they are to be given effect too.

In case the workman is reinstated with back wages the respondents have every right, after payment of back wages and reinstatement, to retrench him validly following the principles of first come last go so that Section 25 G & H of the ID Act are not violated.

It has been held in 2008 Lab IC page 783 by the Hon'ble Apex Court that reinstatement does not mean confirmation. Reinstatement of daily wager found illegal. Direction given for his reinstatement being final such order would not necessarily entitle him to claim benefits of permanency.

In view of the judgement of the Hon'ble Apex Court reinstatement does not imply confirmation/ absorption or making permanent. The management cannot disengage a workman and take another workman at his place as it would infringe the provisions of Section 25G & H of the ID Act, 1947. In the circumstances, management should reinstate this workman as casual labour. In case there is no job, the management should take action keeping in view Section 25 G & H of the ID Act, 1947.

This issue is decided accordingly.

ISSUE NO. 4

It was submitted from the side of the workman that in view of 1966 LLJ 134, AIR 1991 page 173 and in view of Directive Principles of State policy has confirmed in Article 30(d) of the Constitution a casual workman cannot be denied the same salary of Class-IV employees when they performed the same duties on regular basis. There should be equal pay for equal work and it should be treated as a fundamental right in service jurisprudence.

It has been held in (2003) 6 SCC 123 as under :—

> The principle of "equal pay for equal work" is not always easy to apply. There are inherent difficulties in comparing and evaluating the work done by different persons in different organizations, or even in the same organization. It is a concept which requires for its applicability complete and wholesale identity between a group of employees claiming identical pay scales and the other group of employees who have already earned such pay scales. The problem about equal pay cannot always be translated into a mathematical formula.

It is obvious from the judgment that the principles of equal pay for equal work cannot be applied everywhere. A daily wager holds no post. Scale of pay is attached to a definite post. This workman was not holding any definite post, so he cannot be compared with the regular and permanent staff for equal pay and allowances.

It has been further held in (2003) I SCC 250 as under :—

> "Equal pay for equal work—applicability of the principle of, held, depends not only on the nature or volume of work but also on the qualitative difference in reliability and responsibilities as well—Even in case of same functions, responsibilities do make a real and substantial difference—It is for the claimant of parity to substantiate a clear-cut basis of equivalence and a resultant hostile discrimination—In absence of requisite substantiating material, High Court erred in granting the NMR workers/daily wagers/casual workers parity in pay with the regularly employed staff merely on presumption of equality of the nature of work—However, such workers, held, entitled to payment of prescribed minimum wages."

It has been held in this case that equal pay for equal work would depend upon not only the nature or the volume of work but also on the qualitative difference as regards reliability and responsibilities though the functions may be the same.

The workman has worked as casual labours for 2 - 3 years. He is not entitled to Equal Pay for Equal Work.

This issue is decided accordingly.

ISSUE NO. 5

It was submitted by the management that payment of full back wages is not the natural consequence of the order of discharge or dismissal being set aside. It has been held in (2003) 6 SCC 141 that it is incumbent upon the Labour Court to decide the quantum of back wages.

It has been further held in this case that payment of back wages having discretionary element involved it is to be dealt with the facts and circumstances of the case. No definite formula can be evolved.

It has been further held in this case that payment of back wages in its entirety is the statutory sanction. In (2003) 4 SCC 27 the Hon'ble Apex Court held that in view of delay in raising the dispute and initiating the proceedings back wages need not be allowed. In the instant case there is no delay at least on the part of the workman in raising the dispute.

In 1978 Lab IC 1968—three Judges Bench of the Hon'ble Apex Court held that payament of full back wages is the normal rule. In case services have been illegally terminated either by dismissal or discharge or retrenchment, in such circumstance the workman is entitled to full back wages except to the extent he was gainfully employed during the enforced idleness. In the instant case the workman was always ready to work but he was not permitted on account of invalid act of the employer.

In 2005 IV AD SC 39—three Judges Bench of the Hon'ble Apex Court held that reinstatement with full back wages is justified. In this case the workman has performed more than 240 days work and he has been retrenched without payament of compensation and pay in lieu of notice.

The workman is a skilled worker. He must be doing some sort of work off and on. He is not employed in any establishment. He has been doing some sort of work for his own survival and for the survival of his family. In the facts and circumstances of the case the workman is entitled to 25% back wages.

This issue is decided accordingly.

ISSUE NO. 6

It becomes quite obvious from the findings in the other issues that the workman was engaged initially on 1-2-1988 and he worked as sewerman on daily rated basis. Monthly payament of wages has been made to him. He has worked for almost 8 years continuously. His services have been terminated without payment of any retrenchment compensation and one month's pay in lieu of notice. The work still exists. The CPWD is getting the work of sewer done on casual basis.

The workman is not entitled to regularization as he has not completed 10 years of service in view of Uma Devi's case, so he is not entitled to regularization. He is entitled to reinstatement with 25% back wages.

The reference is replied thus :—

The action of the management of Executive Engineer "S" Division in terminating the services of Sh. Gurucharan w.e.f. 19-2-1996 is neither just nor fair nor legal. The workman does not deserve regularization. He deserves reinstatement along with 25% back wages. The management should reinstate the workman w.e.f. 19-2-1996 along with 25% back wages within two months from the date of the publication of the award.

This award is given accordingly.

Dated : 2-5-2008 R. N. RAI, Presiding Officer

नई दिल्ली, 14 मई, 2008

का. आ. 1314.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार खादी ग्रामोद्योग भवन के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 117/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/54/93-आई आर (डी.यू.)]

नन्दन सिंह बोरा, डेस्क अधिकारी

New Delhi, the 14th May, 2008

S.O. 1314.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 117/1994) of Central Government Industrial Tribunal-cum-Labour Court No. II, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Khadi Gramodyog Bhawan and their workman, which was received by the Central Government on 14-5-2008.

[No. L-42012/54/93-IR (DU)]

NANDAN SINGH BORA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

R. N. Rai, Presiding Officer.

I.D. No. 117/1994

IN THE MATTER OF :

Sh. Mool Chand,
C/o General Secretary,
Khadi Gramodyog Bhawan Karamchari Sangh,
24, Regal Building,
Cannought Circus,
New Delhi. ...Claimant

Versus

The General Manager,
Khadi Gramodyog Bhawan,
24, Regal Building,
Connaught Circus,
New Delhi. ...Respondents

AWARD

The Ministry of Labour by its letter No. L-42012/54/93-IR (DU) Central Government dated 31-10-1994 has referred the following point for adjudication :

The point runs as hereunder :

"Whether the action of the management of Khadi Gramodyog Bhawan in not giving the promotion to Sh. Mool Chand, Peon w.e.f. 1987 is justified ? If not, to what relief the workman is entitled ?"

The case of the workman is that he was enagaged on 30-8-1980 as a Peon and he was promoted to the post of Salesman-III in the Scale of Rs. 950-1500. He was appointed as Salesman-III w.e.f. 30-9-1990 on selection/ direct recruitment basis. That he has every qualification for the post of LDC and has passed matriculation in the year 1987.

That as per standing orders of Class-IV employees who has passed SSC examination are to be promoted to the post of LDC after three years of service. He was eligible for promotion from 1987 and vacancy of LDC was existing but he was not promoted whereas Sh. Narender Bhakuni, Peon was promoted to the post of LDC in the year 1984 and Sh. Sanjay Sharma was promoted to the post of LDC in the year 1997 and Sh. Ramesh was promoted to the post of LDC in the year 1992.

The case of the management is that the workman was engaged as Peon in the year 1980 and he was confirmed as Salesman-III w.e.f. 30-9-1990 at his own request.

That there was no promotion from Peon to LDC during the years 1987, 1988, 1989 and 1990.

That the workman voluntarily accepted the post of Class-III Salesman. It is a technical post.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he passed SSC examination in the year 1987 and he applied for promotion to LDC but three persons were promoted to the post of LDC and his case was not considered.

It was submitted from the side of the management that no promotion was made from the post of Peon to LDC till 1990.

Promotion of Sh. Sanjay Sharma and Sh. Ramesh were made from Peon to LDC in the years 1991 and 1992. Sh. Narendra Bhakuni was much senior to him and he was promoted in 1984.

From perusal of the records it transpires that no promotion was made from the post of Peon to LDC from 1987 to 1990. Promotion after 1984 for the first time was given in the years 1991 and 1992.

The workman has stated in his cross-examination that he was recruited to the post of Salesman-III. The post of Salesman-III is a technical post. The workman was getting enhanced emoluments of the technical post in 1990.

The management witness has stated that there was no appointment to LDC during three years starting from 1987 to 1990. The vacancy of Clerk was in existence in 1987 but it was not advertised.

It is also vivid from the record that the workman applied for the post of Salesman-III and he was recruited as Salesman-III in the year 1990. He was no longer a Peon in the year 1990. There was no promotion to any Peon to LDC from 1987 to 1990.

It becomes quite obvious from the standing order Nos. 739 and 738 that the post of Salesman-III is a technical post and according to the standing order, Class-IV employees are eligible for promotion to LDC after three years of service after passing SSC Examination.

The workman opted for the post of Salesman-III and he was promoted to the post of Salesman-III from the post of Peon in the year 1990.

The case of Peons to be promoted to LDC were taken up in the year 1991 and one Peon was promoted to LDC in the year 1991. The workman has already been selected to the post of Salesman-III, which is a technical post and it is equivalent to Class-III employees.

In the circumstances when the post for promotion to LDC was advertised, the workman was no longer a Peon and he did not apply for the same, so another person namely Sh. Sanjay Sharma was promoted from Peon to LDC in the year 1991. The workman has already been promoted to the post of Salesman-III which is a technical post and he was drawing emoluments of Salesman-III. He was not a Peon. Only a Peon is to be promoted to the post of LDC in view of the standing orders referred to above. So the workman was rightly not promoted to the post of LDC. As per the standing order only a Peon is eligible for promotion to the post of LDC after passing SSC Examination.

The reference is replied thus :

The action of the management of Khadi Gramodyog Bhawan in not giving the promotion to Sh. Mool Chand, Peon w.e.f. 1987 is justified. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Date: 7-5-2008 R. N. RAI, Presiding Officer

नई दिल्ली, 14 मई, 2008

का. आ. 1315.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान इंसेक्टिसाईडिस् लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 112/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/209/98-आई आर (डी.यू.)]
नन्दन सिंह बोरा, डेस्क अधिकारी

New Delhi, the 14 May, 2008

S.O. 1315.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 112/99) of the Central Government Industrial Tribunal-cum-Labour Court No. II, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Hindustan Insecticides Limited and their workman, which was received by the Central Government on 14-5-2008.

[No. L-42012/209/98-IR (DU)]
NANDAN SINGH BORA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

R. N. Rai, Presiding Officer.

I. D. No. 112/1999

IN THE MATTER OF :

Sh. Shiv Pal Singh Chauhan,
S/o Sh. Ghanender Singh,
R/o WE-41, Rama Park Road,
Mohan Garden, Uttam Nagar,
New Delhi-110 059. ...Claimant

Versus

The General Manager,
Hindustan Insecticides Limited,
Guru Govind Singh Marg,
New Delhi-110 015. ...Respondents

AWARD

The Ministry of Labour by its letter No. L-42012/209/98-IR (DU) Central Government dt. 22/04.02/03.1999 has referred the following point for adjudication.

The point runs as hereunder :

"Whether the action of the management of General Manager, Hindustan Insecticides Limited (A Govt. of India Enterprises), Guru Govind Singh Marg, New Delhi-110015 in dismissing Sh. Shiv Pal Singh Chauhan, Ex. Operator, Grade-II is legal and justified ? If not, to what relief the workman is entitled ?"

The case of the workman is that he proceeded on sanctioned leave for 5th and 6th March, 1991 due to death of his relative. However, before joining his duties on 7-3-1991 he was arrested by the Delhi Police and for that reason he would not report for duty in the night shift commencing at 10.00 PM. On 7-3-1991 he was involved in a case u/s 302 IPC by the Delhi Police as it was beyond his control to send intimation to the management regarding the said matter and intimation to the management was sent from Tihar Jail to the management through jail authorities as soon as he was remanded to judicial custody.

That the chargesheet dated 16/20-12-1993 was sent to the Central Jail by the Personal Manager. The charges framed related to continuous absence. The workman was never informed that his leave application sent from jail has not been sanctioned or rejected.

That the workman submitted reply to the charge sheet. No inquiry worth the name was held by the management to inquire into the charges alleged against the workman. The workman was not afforded opportunity to prove the contention that his absence was beyond his control.

The case of the management is that the workman was never sanctioned any leave on 5th and 6th March, 1991. The charge sheet was sent dated 16/20-12-1993 regarding his unauthorized absence from his duty w.e.f. 5th March, 1991. He submitted his explanation and he had admitted that he was absent from his duties in view of his said admission. No inquiry was required. He was accordingly dismissed from service vide letter dated 3-6-1994. No leave was sanctioned to him. He was employed as operator. He was required to operate the plant which used to work continuously throughout the day.

The further case of the management is that he is not entitled to relief of back wages as even according to him he remained under judicial custody. The ADJ, Delhi delivered the judgment dated 31-1-1997. The workman was appointed in Factory which was closed under the orders of the Supreme Court and no manufacturing activities are being carried out in the said factory.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he has proceeded on sanctioned leave. He was arrested by the Police so he could not report for duty. Charge sheet was served on him in Jail. He was not given opportunity to explain the circumstances. He has been illegally dismissed.

The case of the management is that he was unauthorisedly absent on 5-3-1991, so charge sheet was served on him. He admitted his absence so no inquiry was held and he has been rightly dismissed.

From perusal of the record it transpires that at worst the workman was absent for two days i.e. 5th and 6th March, 1991, thereafter he was arrested by the Police. He was under judicial custody and he was released after acquittal by ADJ. The management has admitted that no inquiry was held. There are no documents regarding admission of the workman that he was not on sanctioned leave. Even if it is assumed that he was unauthorisedly absent for two dates i.e. 5th and 6th March, 1991, the management was duty bound to hold inquiry and to afford him opportunity. Admittedly no inquiry has been held by the management, so the order of dismissal is absolutely illegal and arbitrary.

From perusal of the judgment of acquittal it transpires that the workman has been given benefit of doubt. The workman has admitted that the factory is closed since 1996 under the orders of the Hon'ble Apex Court, so there is no question of reinstatement. The workman was arrested by the police and he has been acquitted by the order of ADJ on benefit of doubt, so the workman is not entitled to back wages during the period of his absence due to being in judicial custody.

The dismissal order is absolutely illegal and arbitrary as it has been passed without holding inquiry. The dismissal order is set aside. The factory is not in existence, so there is no question of reinstatement. The workman is not entitled to even back wages in view of his absence caused by his judicial custody.

The workman is entitled to all the benefits as if he is not been dismissed from service except of reinstatement and back wages. The management should pay an amount of Rs. 50,000 by way of compensation besides all the legal terminal dues arising out of the closure of the factory and the workman should be deemed to be in service at the time of closure.

The reference is replied thus :

The action of the management of General Manager, Hindustan Insecticides Limited (A Govt. of India Enterprises), Guru Govind Singh Marg, New Delhi-110015 in dismissing Sh. Shiv Pal Singh Chauhan, Ex. Operator, Grade-II is neither legal nor justified. The workman is entitled to compensation of Rs. 50,000 (Rs. Fifty Thousand Only) and all legal dues by way of terminal benefits as has been done in the case of other retrenched employees within two months from the date of the publication of the award.

The award is given accordingly.

Date : 1-5-2008 R. N. RAI, Presiding Officer

नई दिल्ली, 14 मई, 2008

का. आ. 1316.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कोचीन के पंचाट (संदर्भ संख्या 168/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-2008 को प्राप्त हुआ था।

[सं. एल-40012/58/97-आई आर (डीयू)]

नन्दन सिंह बोरा, डेस्क अधिकारी

New Delhi, the 14th May, 2008

S.O. 1316.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 168/2006) of Central Government Industrial Tribunal-cum-Labour Court, Cochin as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 14-5-2008.

[No. L-40012/58/97-IR (DU)]

NANDAN SINGH BORA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

PRESENT :

Shri P. L. Norbert, B.A., LL.B., Presiding Officer

(Wednesday the 12th day of March 2008/22nd Phalguna 1929)

I.D. 168/2006

(I. D. No. 11/1998 of Labour Court, Ernakulam)

Workman : Sri E. G. Ramanan,
Irunethuchira P. O.,
Poochakkal, Panavalli,
Alappuzha District

By Adv. Sri T. A. Rajan

Management : The Central Telegraph Departmental Canteen, Auto Exchange, Mattancherry, Kochi-682002

By Adv. Sri V. V. Sidharthan

This case coming up for hearing on 3-3-2008, this Tribunal-cum-Labour Court on 12-3-2008 passed the following :

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act. The reference is :

"Whether the action of the management of General Manager, Telecommunications in terminating the services of Sh. E. G. Ramanan, an ex-cook in Central Telegraph Office Canteen, Mattancherry, Cochin while in continuous services, w.e.f. 29-3-95 in violation of the directions of the Supreme Court in the judgments No. 6185-7044 is justified ? If not, for what relief the workman is entitled to ?"

2. Facts of the case in brief are as follows :

Shri E. G. Ramanan was engaged in the canteen of the Central Telegraph Office, Mattancherry on 2-5-91. He was disengaged on 29-3-1995. The case of the workman is that he was appointed as cook in the canteen on 30-4-1991. He worked continuously in that capacity till 29-3-1995 when he was terminated from service. However as per Supreme Court decision in W. P. (C) Nos. 6185-7044/83 the Government had directed to pay wages and other benefits to canteen employees like regular employees of the government departments. The Telecom Department thereafter decided to treat the canteen employees functioning in the premises of the telecom office as departmental staff and pay scale wages and other benefits due to regular departmental hands. But the workman was denied the benefits of Supreme Court Judgment and he was thrown out of service by the management on 29-3-1995. This is illegal. The management neither complied with the procedure for retrenchment nor regularised the service. Therefore the dispute.

3. According to the management the workman was never appointed by the department. But he was engaged as cook on daily wages by the Canteen Secretary. There were only 2 regular employees in the Canteen. They alone were entitled for the benefits of Supreme Court judgments. Hence the regular employees of the Canteen alone could be treated as departmental employees in the light of Supreme Court judgment. The Telecom Department is not an industry and the claimant is not a workman within the definition of workman and hence the reference is unsustainable. Since the management has not appointed the workman there is no question of complying with any procedural provisions for retrenchment.

4. In the light of the above pleadings the following points arise for consideration :

1. Is the reference sustainable ?
2. Is the workman entitled for the benefit of Supreme Court judgment in W. P. (C) Nos. 6189-7044/83 ?
3. Is the termination legal ?

The evidence consists of oral testimony of WW1 and the documentary of Ext. W1 to W7 on the side of the workman and MW1 and Exts. M1 to M7 on the side of the management.

5. **Point No. 1 :** The contention of the management that the telecom department is not an industry is answered by the Hon'ble High Court of Kerala in Telecom District Manager V. Labour Court 2004(2) KLT SN 23 (Case No. 29). The telecommunication department is found to be an industry within the definition of S. 2(j) of Industrial Disputes Act. The other contention that since the claimant is a casual worker he is not a workman within definition of S. 2(s) of Industrial Disputes Act also cannot stand. The definition shows that any person employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward is a workman. The definition makes no difference between casual or regular employees and specifies that any person employed would be a workman. Thus the Telecom Department is an industry and the claimant is a workman and therefore there is a valid industrial dispute and the reference is maintainable.

6. **Point No. 2 and 3 :** It is not disputed that Sri E. G. Ramanan was working in Mattancherry Central Telecom Office canteen for sometime. But his status is disputed. According to the workman he was employed in the canteen as cook and he was working continuously from 30-4-1991 to 29-3-1995. The management denies this contention of the workman. According to them he was never employed in the department. But to meet the urgent needs of the canteen the Secretary of the canteen had engaged the claimant intermittently.

7. However there is some inconsistency in the pleadings of the management in the written statement. In paragraph 4 of the written statement the plea is that the workman was engaged as a cook on daily wage basis and as casual labourer on 2-5-91 and his wages were paid out of canteen fund. In the same paragraph it is also stated that the workman was engaged on daily wage basis by the Secretary of the canteen in his individual capacity. In paragraph 6 the contention is that the then Secretary of the canteen had engaged the workman for sundry works purely on contract basis. What the management stresses

is that the workman was never employed by the department on a regular basis. But in their attempt to substantiate this contention they strain to convince the court that he was not a cook but was doing sundry work in the canteen for sometime. It is relevant to note the deposition of MW1 the then Sub Divisional Engineer of Mattancherry, Telecom Exchange. He was then the Ex-officio chairman of canteen committee. He says that the canteen started in 1983. It was run through a canteen committee consisting of employees of the department till 2000 when B. S. N. L. was formed. Thereafter the canteen is run on contract basis. He admits that in the canteen breakfast, lunch and evening tea are supplied. The strength of telecom department, Mattancherry at that time was 70-75. But according to him many of the staff normally would be in field work and hence they do not take lunch from the canteen. A few others are locals and they too do not take lunch from the canteen. Therefore according to him on an average only 10 meals are served for the lunch daily. He also admits that food is prepared in the canteen itself and a cook is necessary to prepare the food. Till 1990 there was a cook by name Sankaran Nair. He resigned in early 1990. According to the witness thereafter there were only 2 workers in the canteen. They are Sahajan and Mohanan. Though there were not cooks by designation they were doing cooking. He admits that after Sankaran Nair left no cook was appointed in the canteen (page 11-MW1). The witness had not informed the department about the vacancy of a cook but had reported about the shortage of a staff in the canteen. To a specific question as to what was the designation of employees of the canteen after the judgment of Hon'ble Supreme Court, his answer was that nobody was designated and he had not enquired with the canteen secretary for what job the workman was engaged in the canteen (page 13). To another question whether anybody else, other than cook, tea maker and supplier, was required in the canteen, his answer was that the same job is done by the workers already in the canteen (page-13). To the next question whether there was need of a cook in the canteen, his answer was that the cooking work is there in the canteen (page 14). When he was asked whether other than the workman anybody else was engaged during the period from 2-5-91 to 30-4-95, his answer was that the Secretary had not told him about it (page-14). He also does not know whether scale wages were paid to Sahajan and Mohanan prior to Supreme Court judgment (page-15). According to him Supreme Court judgment applies only to regular employees of canteen (page-16). He has also a case that whenever an employee is absent the canteen secretary can engage a casual worker without the sanction of the department (page-19). He does not know whether the workman was working continuously during his tenure at Mattancherry (page 20). At the same time he admits that the work that was done by the claimant continued to exist even after the workman was disengaged (page 21). The deposition of MW1 thus go to show that there is an attempt by the management to show that the claimant was not engaged for any particular work but for sundry work. At the same time there is admission that cooking had to be done to supply lunch, break fast and tea to the departmental staff. MW1 admits that Sri Sankaran Nair was designated as washer boy-cum-cook. The other 2 persons Sahajan and Mohanan were designated as bearer and coffee/tea maker respectively (Exts. M5 and M6). According to the workman (WW1) Sahajan and Mohanan were not cooks and they did not know cooking and cooking was done by him. After Sankaran Nair resigned and left the service admittedly no cook was appointed by the management. In the above circumstances the workman was engaged. It was not possible to function the canteen without a cook. The management strains to avoid admission that there was vacancy of a cook from 3-7-1990 onwards. Whether the workman was a cook or was doing some other work in the canteen makes little difference so far as this case is concerned. So also it is not necessary to prove a sanctioned vacancy in order to claim the benefit of Supreme Court judgment referred above. Equally so it is unnecessary for the claimant to prove that he had been working continuously for a period of 240 days or more in a year. What is required to be considered is as on the date when canteen employees were treated as departmental staff, whether the worker was working in the canteen or not.

8. The full text of the judgment of Supreme Court in W.P. (C) Nos. 6189-7044 and 8344-85 of 1983 is not produced for perusal, but only a portion is extracted in the office memorandum of the government dated 29-01-1992 (Ext. W1). As per the Interim Order dated 2-9-1983 the Supreme Court had directed the Government to pay the same wages to canteen employees as given to regular departmental staff. Later in the final order the interim order was retained and further directed to give other benefits admissible to departmental employees to canteen employees w.e.f. 1-10-1991. The telecom department in the light of the Supreme Court judgment issued Ext. M2 administrative order on 12-11-92. It says that regular employees of non statutory departmental canteen of Central Telegraph Office, Mattancherry mentioned in the annexure are treated as departmental staff w.e.f. 1-10-91. On the reverse side of Ext. M2 the names of two canteen employees are shown. They are Mohanan and Sahajan. When Ext. M2 was issued the department chose to use the words 'regular employees' of non statutory departmental canteen instead of the word 'employees'. But in Ext. W1 office memorandum of Government, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Trg.) it is mentioned that in compliance with the interim order of the Hon'ble Supreme Court dated 26-9-1983 the 'employees' of non statutory departmental canteens located in Central Government Office are being paid at the same rate and

on par with the Central Government employees of equal status. The memorandum does not say that the canteen employees made mentioned in the Supreme Court judgment is only regular employees. It is when Ext. M2 administrative Order was issued by the telecom department that the word 'regular' was pre-fixed to 'employees'. In the light of Ext. W1, I am not able to see that the Supreme Court judgment refers only to regular employees of the canteen and not casual or temporary employees. If it were so, the Ministry in its Ext. W1 OM would have specified that regular employees alone need be given the benefits of Supreme Court judgment. The interpretation given by the telecom department does not appear to be in tune with the Supreme Court judgment.

9. The fact that the workman was engaged or appointed by Secretary of the canteen committee or directly by the department also makes little difference in view of judgment in M.M.R. Khan V. Union of India AIR 1990 S.C. 937 wherein it is held (Paras 20 & 21) that although Railway Administration may employ anyone, such as a staff committee or a co-operative society for the management of canteen, the legal responsibility for the proer management rests not with such agency but solely with the Railway Administration. In the circumstances even where the employees are appointed by the staff committee/co-operative society it will have to be held that their appointment is by the department through the agency of the committee/society as the case may be. It is further held that employees in staff canteens are entitled to the status of railway employees, that employees in non statutory recognized railway canteens are entitled to be treated on par with employees in the statutory canteens and they should also be treated for all purposes as railway servants (paras 23, 29 & 31). MW1 admits that the canteen in question is a non statutory canteen (page 4-MW1). It is a recognised canteen admittedly. Therefore irrespective of the appointment by canteen Secretary the department cannot escape the responsibilty of the employment of the workman. The management has not been able to point out that the supreme court judgment refers only to regular employees of the canteen and not casual or temporary employees. In an attempt to prove that Sahajan and Mohanan alone were regular employees they have produced Ext. M5, M6 and M7 documents. Ext. M5 is L.P.C. of Mohanan and M6 is L.P.C. of Sahajan. They are dated 24-8-1992. Though the figures mentioned in L.P.Cs. relates to June 1990 they were issued on 28-4-1992 after the supreme court judgment was implemented. Ext. M7 is a statement showing details of payments made to canteen staff for the period from 1-3-91 to 31-3-91. The payment made to Sahajan and Mohanan is shown in Ext. M7. It is relevant to note that no records prior to 1-3-1991 relating to Sahajan and Mohanan are produced by the management though the management says that they were working as regular employees even prior to 1-3-1991. No appointment orders of these 2 employees are also produced by the management. It is not known from what record Ext. M7 details were taken by the department. The canteen must be having account books and other records regarding its employees. MW1 has admitted that monthly statements are submitted by canteen committee to the department. No such statements are produced by the management to show that there were only 2 regular employes in the canteen and the workman was only a casual employee. The interim order was passed by Hon'ble Supreme Court on 26-9-1983 and final judgment on 1-10-1991. As on 1-10-91 the workman was working in the canteen whether continuously or intermittently. The Department implemented the direction w.e.f. 1-10-91. It is enough for him to show that he was working in the canteen on the relevant date on 1-10-91 to reap the benefits of interim order and final order of Supreme Court. That stands proved by the evidence and circumstances. There is no justification for the department to deny employment as well as the benefits of Supreme Court judgment. Hence I find that the workman is entitled to be reinstated and treated as a departmental staff and he is eligible for all the benefits of a regular employee. Points are answered accordingly.

In the result, an award is passed finding that the action of the management in terminating service of the workman is in violation of the Supreme Court judgment in W.P. (C) Nos. 6185-7044/83. The workman is entitled to be reinstated and treated as a departmental staff and to all the benefits of the judgment.

The award will come into force one month after its publication in the official gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 12th day of March, 2008.

P. L. NORBERT, Presiding Officer

Appendix

Witness for the workman :

WW1 — 02-11-2007 — Sri. E. G. Ramanam

Witness for the management :

MW1 — 26-12-2007 — Sri Issac T.

Exhibits for the workman :

W1	— 29-01-92	— Phtostat copy of office memorandum No. 12/5/91 Dir (C) of M/o Personnel, Public Grievances and Pensions.
W2	— 22-05-94	— Copy of representation submitted by workman to the management.

Exhibits for the workman :

W3 — 07-12-94 — Copy of representation submitted by workman to the Management.

W4 — 07-03-95 — Copy of representation submitted by the workman to the Management.

W5 — 15-02-95 — Photostat copy of order in OA 1687/94 of the Central Administrative Tribunal, Ernakulam Bench.

W6 — 29-03-95 — Copy of Order No. G-37/92-93/126 issued by the Chairman, Telegraph Canteen to workman.

W7 — 01-04-05 — Copy of representation submitted by workman to the management.

Exhibits for the Management :

M1 — 04-08-94 — Letter No. Estt. IV/Genl./94-95/28 sent by the General Manager Telecom to the Superintendent, C.T.O., Kochi.

M2 — 12-11-92 — Photostat copy of letter No. Admn-I/Canteen employees/91-92/21 issued by the Assistant General Manager, Telecom Department, Ernakulam.

M3 — 24-10-91 — Copy of letter No. B5/Canteen/91-92/A/9 with enclosure sent by the Assistant Engineer (Auto) Kochi to the Assistant Engineer (Administration) Ernakulam.

M4 — 11-11-91 — Copy of letter No. B-5/Canteen/91-92/11 with enclosure sent by the Assistant Engineer (Auto) Kochi to the Assistant Engineer (Admn.) Ernakulam.

M5 — 28-04-92 — Last pay certificate of Sri V. A. Mohanan issued by the Superintendent, C.T.O., Mattancherry.

Exhibits for the Management :

M6 — 28-04-92 — Last Pay Certificate of Sri C. B. Sahajan issued by the Superintendent, C.T.O., Kochi.

M7 — — — Statement showing the details of payments to canteen staff for the period from 1-3-91 to 31-3-91 issued by the Assistant Engineer (Auto), Kochi.

नई दिल्ली, 14 मई, 2008

का. आ. 1317.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फॉरेस्ट रिसर्च इंस्टिट्यूट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 164/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-2008 को प्राप्त हुआ था।

[सं. एल-42012/124/97-आई आर (डी.यू.)]
नन्दन सिंह बोरा, डेस्क अधिकारी

New Delhi, the 14th May, 2008

S.O. 1317.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 164/1998) of the Central Government Industrial Tribunal-cum-Labour Court No. II, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Forest Research Institute and their workman, which was received by the Central Government on 14-5-2008.

[No. L-42014/124/97-IR (DU)]
NANDAN SINGH BORA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Shri R. N. Rai, Presiding Officer

I.D. NO. 164/1998

In the matter of :

Sh. Puran Chand Kandwal,
S/o Sh. Khem Chand Kandwal,
R/o Papu Gram, Rishikesh,
Dehradun-248001. ... Claimant

Versus

The Registrar,
Forest Research Institute,
PO, New Forest,
Dehradun-248001. . . . Respondents

AWARD

The Ministry of Labour by its Letter No. L-42012/124/97-IR (DU), Central Government, dt. 3-7-1998 has referred the following point for adjudication :

The point runs as hereunder :

"Whether the action of the management of Forest Research Institute, Dehradun in terminating the services of Sh. Pooran Chand Kandwal, Ex. Khalasi w.e.f. 18-10-1977 is legal and justified ? If not, to what relief the workman is entitled ?"

The case of the workman is that the workman was engaged on 9-4-1975 at the post of Khalasi and he performed his duties upto 18-10-1977. That his services were terminated on 18-10-1977 without payment of retrenchment compensation and one month's pay in lieu of notice. The workman has worked 240 days in every year of his employment.

The management has admitted the engagement of the workman but it has been stated that he was appointed on ad hoc basis in FRI, Dehradun and his services were terminated on 18-10-1977. The workman used to fraudulently and dishonestly file forged and false school certificates as genuine document deliberately. The petitioner did not approach the department after 18-10-1977. The workman never tried to prove the genuineness of the document in question and he never represented or repudiated or agitated regarding his termination order dated 18-10-1977. He accepted termination and kept silent for more than 19 years. The Vigilance Department lodged an FIR for forgery. The workman was acquitted for lack of evidence and on technical grounds. He has raised this case after a delay of long 19 years.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that the certificate and documents filed by him were genuine and the management did not make a detailed inquiry. His services were terminated arbitrarily and illegally without holding a proper departmental inquiry.

It was submitted from the side of the management that the workman was engaged on ad hoc basis. He was not a regular selected workman. The certificates were verified by the concerned school and the Principal of that school gave a certificate that the document filed by the workman was not issued by the said school.

The management has filed photocopy document and correspondence with the Principal of the school and the original record was also produced before him for my perusal. The Principal has written that the certificate filed by the workman have not been issued by the school. I have perused the judgement of acquittal. The workman has been acquitted by being given benefit of doubt.

It transpires from perusal of the judgement that none from the school authorities either the Principal or some other official of the school were examined in the course of trial.

It has been held in Manager, RBI Vs. S. Mani-(2005) 5 SCC 100 that the judgement of acquittal passed in favour of the employee by giving benefit of doubt per se would not be binding upon the employer. The workman has been acquitted on benefit of doubt.

The services of the workman were terminated in 1977 after verifying its certificate from the concerned school and the workman knew well that his services have been terminated as he has not produced genuine certificate. The management has entered with correspondence with the school and after ascertaining the fact the services of the workman were terminated. The workman did not make any representation. Even he has not filed in the court the genuine certificate regarding the educational qualification and age.

From perusal of the judgement of the trial court it transpires that the prosecution in collusion with the workman did not examine any authority of the school from which the workman has allegedly received forged certificate. So the workman is not to get the benefit of acquittal.

It has been held in (2000) 4 SCC 265 that acquittal in criminal trial was not applicable to the departmental proceedings where the workman has been discharged on the ground of inadequacy of the material on the record against him by a criminal court.

In the instant case also the workman has been acquitted on the ground of inadequacy of evidence.

The workman was casual and ad hoc employee. The management verified the certificate filed by him from the concerned school after obtaining the report of the Principal, the management came to the conclusion that the certificates were forged. The management has not lodged FIR in the instant case but the Vigilance Department has prosecuted him. The material witness i.e.

the Principal of the concerned school or any record keeper has not been examined by the prosecution in the course of trial. The workman was not engaged after following the proper procedure of recruitment. He was a daily wager and ad hoc employee. He did not hold any right to a post so detailed departmental inquiry was not required in the instant case. The management was satisfied by the report of the Principal of the concerned school that the certificate produced by him is forged and not genuine and as such the management has rightly terminated the services of the workman. However, the workman has rendered two years continuous service. He is entitled to retrenchment compensation and one month's pay in lieu of notice. The management should pay Rs. 50,000 (Rs. Fifty Thousand only) by way of compensation.

The reference is replied thus :

The action of the management of Forest Research Institute, Dehradun in terminating the services of Sh. Pooran Chand Kandwal, Ex. Khalasi w.e.f. 18-10-1977 is neither legal nor justified. The management is directed to pay Rs. 50,000 (Rs. Fifty Thousand only) by way of compensation to the workman within two months from the date of the publication of the award.

The award is given accordingly.

Dated : 9-5-2008 R.N. RAI, Presiding Officer

नई दिल्ली, 14 मई, 2008

का. आ. 1318.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 117/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-5-2008 को प्राप्त हुआ था।

[सं. एल-12012/119/2000-आई आर (बी-II)]
राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 14th May, 2008

S.O. 1318.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 117/2000) of the Central Government Industrial Tribunal-cum-Labour Court No. II, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workmen, which was received by the Central Government on 13-5-2008.

[No. L-12012/119/2000-IR (B-II)]
RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Shri R. N. Rai, Presiding Officer.

I.D. No. 117/2000

In the matter of :

Sh. Tulsi Dass,
S/o Sh. Jugal Kishore,
H.No. 86, Sarai Sol,
Mangla Puri, Palam,
New Delhi-110 045. . . . Claimant

Versus

1. The Chairman-cum-Managing Director,
Syndicate Bank,
8B, Post Box No. 1,
Manipal, Karnataka State,
Pin- 576 118

2. The Assistant General Manager,
Syndicate Bank,
Bhagwan Dass Road,
New Delhi . . . Respondents

AWARD

The Ministry of Labour by its Letter No. L-12012/119/2000-IR (B-II), Central Government, dt. 18-10-2000 has referred the following point for adjudication :

The point runs as hereunder :

"Whether the action of the management of General Manager, Syndicate Bank, Palam, New Delhi and the Managing Director, Syndicate Bank, Head Office, Manipal, Karnataka in not regularizing the services and terminating the services of Sh. Tulsi Dass, part-time sweeper/casual attendant w.e.f. 23-8-1999 amounts to unfair labour practice under the provisions of the ID Act, 1947 or not ? If yes, then what relief the said workman is entitled to and from what date ?"

The case of the workman is that he was engaged by the respondent as casual worker/daily wager at different rates which increased from time to time.

That the respondent opened a SB Account in the name of the workman in the bank and credited his wages to his SB A/c. He worked from May, 1993 to October, 1999. That the services of the workman were terminated illegally and abruptly. In the year 1999, the workman performed all the duties of a Peon while his engagement from May, 1993 to 27th October, 1999.

The case of the management is that the workman was never engaged by the respondent on any regular vacancy. In fact he was working with outside contractor. He was supplying Generator Set to the branch and whenever he was not having any work in respect of

Generator he used to come to the branch as he got acquainted with some staff members with the fact that his relative was working as part-time sweeper in the same branch.

The workman was engaged purely on temporary basis for work of casual nature. The workman was given salary on consolidated basis.

The workman has not been selected through proper recruitment process. The management is maintaining a panel of attendance/PTS for work for a considerable period in the bank which arises in such cadre.

It is held that the disputed employee has worked for 240 days continuously in all the years of his employment and the provisions of ID Act, 1947 is attracted. The respondent is ready to pay the amount of compensation if any as per law. Under no circumstances his services can be regularized in the respondent bank as there is no vacancy at all in the respondent bank.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

From perusal of the pleadings of the parties the following issues arise for adjudication :

1. Whether the workman applicant has completed 240 days work during the tenure of his employment and whether there is employer and employee relationship between the management and the workman ?
2. Whether the claimant is entitled to reinstatement/compensation ?
3. To what amount of back wages the workman is entitled ?

ISSUE NO. 1

It was submitted from the side of the workman that he worked continuously from 1993 to 1999 as a temporary casual labour as PTS/Attainder.

It was submitted from the side of the management that he was employed in respect of Generator Set by a contractor and sometimes he performed the duties of Peon also as he was acquainted with the staff of the bank.

The workman has filed photocopy letter dated 20-2-1999, it has been signed by the Chief Manager. This document has not been denied by the management. The workman cannot be said to be in possession of original letter as it has been addressed to the AGM, PWWS, Zonal Office, New Delhi. It has been mentioned in this letter that Sh. Tulsi Dass has been working since 1993 on temporary basis as PTS/Attainder. This letter has been written by the Chief Manager to the AGM on 20-9-1999. It has been specifically admitted in this letter the workman was working since 1993 on temporary basis and he should be given regular posting of Attainder at the earliest.

The case pleaded by the management is belied that the workman was a contractor man in respect of Generator Set and work occasionally was taken from him. The Chief Manager has addressed to the AGM for giving regular posting of this workman.

The workman has filed photocopy of Pass Book. The Pass Book also establishes that the workman has been paid salary monthly. His wages were credited to his SB Bank account opened in his name by the management.

The management has not filed any document to prove that the workman was engaged as contractor's man.

The management has stated in the written statement that if it is proved that the workman has worked for 240 days he may be given retrenchment compensation as per law.

The management has filed photocopy of attendance sheet of some workmen but it has not been mentioned as to in which branch of the respondents these workmen were working.

The workman has filed a letter of Chief Manager addressed to AGM for giving him regular posting and it has been specifically admitted that the workman was working from 1993 to 1999. He has discharged 240 days duties in every year of his employment. He was engaged by the respondent and he performed duties under their control and supervision, so there is employer and employee relationship between the management and the workman.

In the facts and circumstances of the case there is master and servant relationship between the management and the workman has completed 240 days in every year of his employment as per even the admission of MW1 in his cross-examination. Thus, he has served the management for 240 days in every year during the tenure of his employment. There is master and servant relationship between the management and the workmen.

This issue is decided accordingly.

ISSUE NO. 2

It was submitted from the side of the management that even if it is found that there is direct relation of employer and employee the workman may be given compensation in lieu of reinstatement.

It was submitted from the side of the workman that compensation is payable in cases where an undertaking

has become sick or it has been closed or it is in economic loss. It has not been established that the respondent is in economic loss and it is a sick Industry.

My attention was drawn by the Ld. counsel of the workman to 2000 LLR 523 State of UP and Rajender Singh. The Hon'ble Apex Court ordered for reinstatement with full back wages as the services of the daily wager cleaner who worked for 4 years was dispensed with without following the procedure for retrenchment. In the instant case also no retrenchment compensation has been paid.

It has been held in 1978 Lab IC 1668 that in case service of a workman is terminated illegally the normal rule is to reinstate him with full back wages.

My attention was further drawn to AIR 2002 SC 1313. The Hon'ble Supreme Court has held that daily wager even if serving for a short period should be reinstated.

It was submitted from the side of the workman that in the instant case Sections 25 F, G of the ID Act are attracted. In Section 25 of the ID Act it has been provided that if a workman has performed 240 days work and if the work is of continuous and regular nature he should be given pay in lieu of notice and retrenchment compensation.

It has been held by the Hon'ble Apex Court that there is no cessation of service in case provisions of Section 2 F are not complied. In the instant case no compensation has been paid to the workman.

In case a workman has worked for 240 days in a year and the work is of continuous and regular nature he should be paid retrenchment compensation. In case retrenchment compensation is not paid Section 25 F of the ID Act is attracted. There is no cessation of his services. He is deemed continued in service in the eye of law. In case there is breach of Section 25 F the service is continued and reinstatement follows as a natural consequence.

ID Act, 1947 has been enacted to safeguard the interest of the workmen belonging to poor segment of society. It appears that legislature wanted that such workmen should not be harassed unnecessarily so Section 25 F, U, T and Clause 10 of Vth Schedule have been enacted. The objects and reasons of ID Act, 1947 shows that the respondent should not be permitted to indulge in any unfair labour practice. The workmen should not be engaged for years and then they should be removed all of a sudden. There is provision of retrenchment compensation for his removal. Retrenchment compensation is for compensating him otherwise so that he can survive long interregnum of unemployment. In the instant case no retrenchment compensation has been paid.

It was submitted from the side of the management that the Hon'ble Apex Court in 2006 (4) Scale has put down a complete ban on regularization and reinstatement. The Hon'ble Apex Court has held that employment can only be made on the basis of procedure established in that behalf envisaged by the Constitution. Equality of opportunity is the hallmark and the Constitution enshrines affirmative action to ensure that unequals are not treated equals. So public employment should be in terms of constitutional scheme.

It was further submitted that the Constitution Bench Judgment has afforded a right according to which the government is not precluded from making temporary appointments or engaging workers on daily wages.

The Government has got no licence to make always appointment of daily wagers and to continue them for life time. Fixed term tenure appointments and temporary appointments cannot be the rule of public employment. At the time of making temporary appointments Articles 14, 16, 21, 23, 226 and 309 are infringed. There is no constitutional mandate that the government is at liberty to go on giving fixed term appointments for the entire tenure of service of an employee.

The Government or Public Sector units cannot continue incessantly to give temporary and fixed term appointments again and again. Since fixed term appointments and temporary appointments are not governed by any constitutional scheme, such discrimination will amount to vicious discretion. The Government of Public Sector unit will go on resorting to the method of pick and choose policy and give temporary and ad hoc appointments to their favorites and thus the principles of equality enshrined in the constitution will be given a go bye. Such is not the intent of the Hon'ble Apex Court. However, in this judgment the provisions of the ID Act governing the services of the workman have not been declared unconstitutional. Reinstatement is the remedy provided in the ID Act for breach of several provisions enumerated therein or for breach of service rules provided in various labour welfare legislations.

A three Judges bench of the Hon'ble Apex Court has held in 1993-II-LLJ that termination of services affects the livelihood of not only of the employee but also of the dependents. So in case of illegal termination of service the workman should be reinstated.

In case the workman is reinstated with back wages the respondents have every right, after payment of back wages and reinstatement, to retrench him validly following the principles of first come last go so that Section 25 G and H of the ID Act are not violated.

It was submitted from the side of the management that in (2007) 9 SCC 353, the Hon'ble Apex Court has held that reinstatement with full back wages should not be granted automatically only because it would be lawful to do so. Several factors should be considered just as statutory rules and delay in rising the dispute.

In the instant case there is no delay. In bank casual labourers are engaged and regular status has been conferred several times. In case work still exists, the workman should be given reinstatement. The respondents cannot retrench this workman and engage fresh hands. In that case they will commit unfair labour practice as has been held by the Hon'ble Apex Court in (1995) Supp. II SCR 842. It is not proved by the management that no workman has been taken after retrenchment of this workman.

It has been held in 2008 Lab IC page 783 by the Hon'ble Apex Court that reinstatement does not mean confirmation. Reinstatement of daily wager found illegal. Direction given for his reinstatement being final such order would not necessarily entitle him to claim benefits of permanency.

In view of this judgement of the Hon'ble Apex Court reinstatement does not imply confirmation/ absorption or making permanent. The management cannot disengage a workman and take another workman at his place as it would infringe the provisions of Section 25 G and H of the ID Act, 1947. In the circumstances, management should reinstate this workman as casual labour. In case there is no job, the management should take action keeping in view Section 25 G and H of the ID Act, 1947.

Reinstatement should not be misconceived as regularization. By the order of reinstatement the status quo ante of the workman is restored. He is given back wages in order to compensate him for his illegal disengagement. This is a special remedy provided in ID Act and it has not been annulled and set aside by any judgment of the Hon'ble Apex Court. The provisions of the ID Act are still constitutional and they are to be given effect too.

This issue is decided accordingly.

ISSUE NO. 3

It was submitted by the management that payment of full back wages is not the natural consequence of the order of discharge or dismissal being set aside. It has been held in (2003) 6 SCC 141 that it is incumbent upon the labour court to decide the quantum of back wages.

It has been further held in this case that payment of back wages having discretionary element involved it is to be dealt with the facts and circumstances of the case. No definite formula can be evolved.

It has been further held in this case that payment back wages in its entirety is the statutory sanction. In (2003) 4 SCC 27 the Hon'ble Apex Court held that in view of delay in raising the dispute and initiating the proceedings back wages need not be allowed. In the instant case there is no delay at least on the part of the workman in raising the dispute.

In 1978 Lab IC 1968—three Judges Bench of the Hon'ble Apex Court held that payment of full back wages is the normal rule. In case services have been illegally terminated either by dismissal or discharge or retrenchment, in such circumstance the workman is entitled to full back wages except to the extent he was gainfully employed during the enforced idleness. In the instant case the workman was always ready to work but he was not permitted on account of invalid act of the employer.

In 2005 IV AD SC 39—three Judges Bench of the Hon'ble Apex Court held that reinstatement with full back wages is justified. In this case the workman has performed more than 240 days work and he has been retrenched without payment of compensation and pay in lieu of notice.

The workman is a manual worker. He must be doing some sort of work off and on. He is not employed in any establishment. He has been doing some sort of work for his own survival and for the survival of his family. In the facts and circumstances of the case the workman is entitled to 25% back wages.

This issue is decided accordingly.

The reference is replied thus :

The action of the management of General Manager, Syndicate Bank, Palam, New Delhi and the Managing Director, Syndicate Bank, Head Office, Manipal, Karnataka in terminating the services of Sh. Tulsi Dass, part time sweeper/casual attendant w.e.f. 23-8-1999 amounts to unfair labour practice under the provisions of the ID Act, 1947. The workman is not entitled to regularization. The management should reinstate the workman along with 25% back wages w.e.f. the date of his termination from services within two months from the date of the publication of the award.

The award is given accordingly..

Date : 1-5-2008

R.N. RAI, Presiding Officer

नई दिल्ली, 14 मई, 2008

का. आ. 1319.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 63/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-5-2008 को प्राप्त हुआ था।

[सं. एल-12011/125/2001-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 14th May, 2008

S.O. 1319.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 63/2001)

of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure, in the Industrial Dispute between the management of Punjab National Bank and their workman, which was received by the Central Government on 13-5-2008.

[No. L-12011/125/2001-IR (B-II)]
RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Shri R. N. Rai, Presiding Officer

I.D. No. 63/2001

In the matter of :

Sh. Naresh Kant Kapoor,
C/o. PNB Karamchari Union (Regd.),
53-A, Pocket 12-A, DDA Flats,
Kalkaji Extension,
New Delhi-110 019. ... Claimant

Versus

The Regional Manager,
M/s. Punjab National Bank,
South Delhi Region,
Atma Ram House, Tolstoy Marg,
New Delhi-110 001. ... Respondents

AWARD

The Ministry of Labour by its Letter No. L-12011/125/2001-IR (B-II), Central Government, dt. 10-10-2001 has referred the following point for adjudication :

The point runs as hereunder :

"Whether the action of the management of Punjab National Bank, New Delhi in imposing the punishment of withdrawal of special allowance for the post of Computer Terminal Operator for a period of two years, upon Sh. Naresh Kant Kapoor is just and legal ? If not, what relief he is entitled to and from what date ?"

The case of the workman is that he has been in employment of the bank from 1st April, 1981 and till he was suspended from service vide letter dated 22-1-1998. A charge-sheet dated 21-2-1998 was served upon him.

That Sh. O.P. Bhatnagar pensioner had a signature account SF A/c No. 3136 in the branch of the bank at ECE House, where the workman was posted as a terminal operator and on 22-1-1998 at about 1.10 PM Sh. D.K. Bhatnagar, Sr. Manager, RM Office, South Delhi came to the workman when he was sitting in the cabin with a Cheque which had till then not passed for payment by the Incharge of the payment account Sh. J.K. Chawla.

The workman pointed out to Sh. D.K. Bhatnagar, Sr. Manager that a cheque belonging to his uncle was not a valid cheque as instead of the signature of the account holder, it only contained the thumb impression which was not identified by two independent witnesses known to the bank, one of whom should be respondent bank official but only contained attestation by Sh. D.K. Bhatnagar who being the beneficiary and relative of the account holder was a interested person and not an independent witness therefore, in accordance with the RBI instructions the cheque could not be encashed until such time as complied with the RBI instructions.

That Sh. D.K. Bhatnagar sought help of two officers Sh. Kuldeep Singh and Sh. Satvir Singh, Zonal Secretary of the association who tried to unduly pressurize the workman to release the payment irrespective of the fact that thumb impression on the cheque have not been identified by two independent witnesses known to the bank. The workman under pressure and extreme compulsion and even veiled threats has to give the cheque amount to Sh. Satvir Singh, Manager (Estt.).

That the principles of natural justice were not followed during the course of inquiry. The Inquiry Officer and DA acted with predetermined mind against the workman under the undue influence of the Sr. Officers. Therefore, the entire disciplinary proceedings are vitiated. The P.O. was senior to the Inquiry Officer. The Inquiry Officer acted under his influence. That the findings of the Inquiry Officer are totally perverse. That the copy of the inquiry report was not provided to the workman. That the DA and AA passed the orders without applying their mind.

The case of the management is that the Sr. Manager (P), Sh. D.K. Bhatnagar visited the branch office on 22-1-1998 for encashment of cheque dated 22-1-1998 for Rs. 11,000. The cheque was drawn by Sh. O.P. Bhatnagar, the maternal uncle of Sh. D.K. Bhatnagar. The Sr. Manager identified the thumb impression of Sh. O.P. Bhatnagar. The cheque was passed for payment by the concerned officer before debiting the account of the account holder. Sh. O.P. Bhatnagar is a pensioner and he was suffering from paralysis and was unable to put his signatures. Sh. Kuldeep Singh and Sh. Satvir Singh identified the thumb impression of Sh. O.P. Bhatnagar.

That the workman did not make payment despite the instructions of Sh. Satvir Singh, Manager and he asked the Sr. Manager in a derogatory manner to leave his cabin and showed courtesy to him. The workman was placed under suspension the same day. A chargesheet was served on him and an inquiry was held. The workman was given sufficient opportunity to cross-examine the witnesses and to adduce his own evidence. The DA proposed the punishment of withdrawal of special allowance and held that he will not be entitled to any pay and allowances for the period of his suspension except suspension allowance paid to him.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written

statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that the cheque was not properly verified and so he was resisting to make payment. Payment from him was obtained under threat and coercion by Sr. Manager, Sh. D.K. Bhatnagar and Sh. Satvir Singh. The principles of natural justice were not followed. Sh. D.K. Bhatnagar was not an independent witness as the cheque was drawn in his favour. Sh. Satvir Singh was not a witness to the thumb impression and he does not possess any authority given by the bank to pass any order against the banking instructions.

It was submitted from the side of the management that Sh. O.P. Bhatnagar is a pensioner. He suffered from paralysis so he has put his thumb impression. The cheque was property passed by the passing officer, Sh. D.K. Bhatnagar and Sh. Satvir Singh, officers of the respondent. The workman behaved rudely with them and asked them to go away from cabin. That a proper inquiry has been held and the Inquiry Officer after proper analysis of evidence has given his findings. The DA has also considered the representations of the workman before passing final order of punishment.

The management has examined two witnesses Sh. D.K. Bhatnagar and Sh. Satvir Singh in the court. Sh. Ashwani Kumar Sharma and officer of the respondent has stated in his evidence that the cheque was duly passed by officer concerned for payment and despite the instructions of Sh. Satvir Singh, Manager (Estt.) cum Customer Relation Officer of the branch, the workman refused to make payment and in a derogatory manner asked Sh. Satvir Singh to leave his cabin and showed dis-courtsey to him and Sh. D.K. Bhatnagar.

It transpires from perusal of the record that six witnesses have been examined during the course of inquiry and all have supported the incident.

The management has annexed with the record Ann. B ME/12, photocopy of letter written by the workman Sh. N.K. Kapoor on 23-1-1998. This letter has not been denied by the workman, it is in his handwriting. He has mentioned this in letter that due to his family tension he was not feeling well, the previous day and he was sorry that the incident took place. He assured Sh. Kuldeep Singh, Officer that he was sorry for that. This letter is dated 23-1-1998 whereas the incident took place on 22-1-1998.

From perusal of the records it also becomes quite obvious that the management has followed the principles of natural justice. The workman was given a show cause notice to the proposed punishment. The DA and AA has passed the orders after applying their mind.

It has been held in 1972 (25) FLR 45 as under :

"An Industrial Tribunal would not be justified in characterizing the finding recorded in the domestic inquiry as perverse unless it can be shown that such a finding is not supported by any evidence, or is entirely opposed to the whole body of the evidence adduced before it. In a domestic inquiry once a conclusion is deduced from the evidence, it is not permissible to assail that conclusion even though it is possible for some other authority to arrive at a different conclusion on the same evidence."

It has been held in this case that in domestic inquiry evidence of a solitary witness is sufficient to hold the charges proved.

It has been held in 2001 (89) FLR 427 as under :

"It is well settled that a conclusion or a finding of fact arrived at in a disciplinary inquiry can be interfered with by the court only when there is no material for the said conclusion; or that on the materials, the conclusion cannot be that of a reasonable man."

From perusal of this judgement it becomes quite obvious that the Tribunal can interfere with the findings of the Enquiry Officer in case it is perverse. The Enquiry Officer has based his findings on oral as well as documentary evidence. It cannot be said that there is absolute absence of any evidence in support of the findings of the Enquiry Officer.

As per the own admission of the workman Sh. Kuldeep Singh, Sh. Satvir Singh and Sh. D.K. Bhatnagar pressurized the workman to make payment. Sh. Satvir Singh was Sr. Manager at the relevant time. Sh. D.K. Bhatnagar is also an Officer of the bank. Sh. O.P. Bhatnagar himself was a pensioner. Two officer of the bank asked the workman to make payment. Sh. Kuldeep Singh and Sh. Satvir Singh also told the workman to make payment to Sh. D.K. Bhatnagar an Officer of the bank but the workman behaved rudely and asked them in a derogatory manner to leave his cabin. Such an act of the workman is highly objectionable. It was the duty to act according to the advice of the two Sr. Managers of the bank. The cheque was properly verified. The workman has committed a grave misconduct. The punishment imposed is not harsh for such serious misconduct or indiscipline. The inquiry is fair and is not liable to be set aside.

The reference is replied thus :

The action of the management of Punjab National Bank, New Delhi in imposing the punishment of withdrawal of special allowance for the post of Computer Terminal Operator for a period of two years, upon Sh. Naresh Kant Kapoor is just and legal. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Dated : 1-5-2008 R.N. RAI, Presiding Officer

नई दिल्ली, 14 मई, 2008

का. आ. 1320.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 33/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-5-2008 को प्राप्त हुआ था।

[सं. एल-12012/283/1999-आई आर (बी-II)]
राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 14th May, 2008

S.O. 1320.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 33/2000) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure, in the Industrial Dispute between the management of Punjab National Bank and their workmen, received by the Central Government on 13-5-2008.

[No. L-12012/283/1999-IR (B-II)]
RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

R.N. Rai, Presiding Officer

I.D. No. 33/2000

In the matter of :

Sh. Ajay Kumar,
S/o Sh. Hira Lal,
C/o General Secretary,
Janta Labour Union,
Plot No. 1 B-9/Sector 4,
Rohini, Delhi-110085 ... Claimant

Versus

M/s. Punjab National Bank,
7, Bhikaji Cama Place,
Africa Avenue,
New Delhi. ... Respondents

AWARD

The Ministry of Labour by its letter No. L-12012/283/99-IR(B-II) Central Government dt. 23-02-2000 has referred the following point for adjudication :

The point runs as hereunder :—

"Whether the termination/discontinuance of Sh. Ajay Kumar w.e.f.. 21-01-1999 by the management of Punjab National Bank is justified ? Whether the disputant is qualified for benefit under settlement dated 14-01-1991 entered into between the management of PNB and All India PNB Employees Federation for absorption in bank service from June, 1991 when he made an application to management under the settlement ? If not, what relief the workman is entitled to and from what date ?"

The case of the workman is that he was engaged as temporary employee by the management on 04-08-1986 and was posted at Chandni Chowk Branch of PNB as sweeper.

That the workman has worked regularly with the management at the above branch as sweeper and was paid his wages. The management has taken from him the work of Peon also. A settlement dated 14-01-1991 was arrived at between the bank and All India PNB Employees Federation before the RLC and it was decided that those temporary employees who have worked for 240 days shall be empanelled as Sr. employees and those who have not put in less than 90 days of service will be considered for employment and shall be appointed at the initial basic pay of Rs. 815 per month on their making application in writing latest by 30-06-1991 on the prescribed proforma.

The seniority of such employee was to be based upon the number of days worked in temporary capacity and as far as possible those candidates were to be offered posting in accordance with their submission in the panel and as far as possible they were to be posted at a point of need in the zone where they had last worked as temporary employees.

That the workman was completely eligible in view of the above settlement. He submitted application through proper channel from the Chandni Chowk Branch on 18-03-1991 along with necessary documents. He has already performed requisite number of days and he was being paid Rs. 815 per month. He was paid regular salary from 02-07-1993 at basic pay of Rs 815 per month last basic pay was Rs. 1600 per month. The workman was asked by the management not to come to work w.e.f. 21-01-1999. Although the workman attended office upto February, 1999. The management has illegally removed the workman. The workman has rendered continuous service from 1986 to 1999.

The case of the management is that the workman was engaged in stop gap arrangement and by virtue of Section 2(oo)(bb) and non-continuance of Sh. Ajay Kumar in stop gap arrangement does not constitute termination.

The services of Sh. Ajay Kumar was used by B.O. : Chandni Chowk as temporary sweeper only in the leave gap arrangement.

He was working in leave/stop gap arrangement as part time sweeper for specified period.

The workman was paid for the number of days he worked. The settlement dated 14-01-1991 arrived at during the course of conciliation proceedings between the bank and All India PNB Employees Federation is not applicable in the instant case and Sh. Ajay Kumar was not entitled to be considered under the said settlement.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he has worked continuously from 04-08-1986 to 20-01-1999 as sweeper. The management should have considered his case in view of the settlement of 1991 but the management retrenched the services of the workman illegally in February, 1999 after atleast 13 years of continuous service.

The workman has rendered 240 days work in all the years of his engagement.

It was submitted from the side of the management that the workman was taken against leave vacancy/stop gap arrangement. He was a part time sweeper and payment to him was made accordingly. The settlement of 1991 is not applicable in the case of the workman.

The management has admitted the continuous working of the workman even in the written statement. It has been also admitted in the written statement that in the year 1998 the workman had seniority No. 1 and his case for regularization may be considered. The workman was on seniority No. 1 in 1998 and his services have been illegally terminated by the management in January, 1999. There is no information as to what the management had done so far regarding the regular employment of the workman.

It has been specifically mentioned in the settlement dated 21-01-1991 that no appointment on lumpsum payment or on casual basis will be done. The incumbent Incharge violating this instruction will render themselves liable to disciplinary action under the provisions of PNB Officer's Employees (Discipline and Appeal, 1977).

Despite this settlement dated 21-01-1991, the workman has been continued till 21-01-1999 as per the own admission of the management. In settlement dated 04-01-1991 it has been specifically mentioned that all temporary employees by the bank will be considered for employment who have put 240 days of temporary service in the bank in 12 consecutive months or who have not put not less than 90 days of service in the bank on or after 01-01-1982 for which wages have been paid to them.

It has also been mentioned that all the selected candidates shall be empanelled in order of their seniority based upon the number of days worked in temporary capacity.

According to the settlement the workman is entitled to be considered for regular employment as he has continuously rendered 240 days service from 04-08-1986 to 21-01-1999 almost for 13 years. The management has illegally discontinued the services of the workman without paying him any retrenchment compensation and one month's pay in lieu of notice.

The management has taken the case that this workman was engaged against leave vacancy/stop gap arrangement. The burden was on the management to prove that some regular employees proceeded on leave and the workman was engaged against leave vacancy. The management has taken a false plea. No document has been filed regarding any employee proceeding on leave. Thus, the workman has established that he has worked continuously from 04-08-1986 to 21-01-1999 as per the own admission of the management. The workman has rendered 240 days service in every year of his engagement. The management has not denied it.

The Hon'ble Apex Court in Uma Devi's case has held that if a workman has worked for 10 years or more without orders of any court and against a permanent post the management should consider the feasibility of regularization. The workman has worked for 13 years and thereafter he has been illegally removed by the management. So in view of Uma Devi's judgment the workman deserves regularization. The workman deserves employment in view of settlement dated 21-01-1991 as he has worked 240 days at that time.

It appears that the management has made some back-door entry and refused the employment to this workman who has worked continuously for 13 years in Chandni Chowk Branch. The workman deserves reinstatement and after reinstatement his case should be considered for regularization.

The workman is a manual worker. He is a sweeper and he must be doing some sort of job off and on for himself and his family's subsistence. In the facts and circumstances he is entitled to 25% back wages and regularization.

The reference is replied thus :—

The termination/discontinuance of Sh. Ajay Kumar w.e.f. 21-01-1999 by the management of Punjab National Bank is not justified. The disputant is qualified for benefit under settlement dated 14-01-1991 entered into between the management

of PNB and All India PNB Employees Federation for absorption in bank service from June, 1991 when he made an application to management under the settlement. The management should reinstate the workman along with 25% back wages within two months from the date of the publication of the award and consider his case for regularization.

The award is given accordingly.

Dated : 07-05-2008 R.N. RAI, Presiding Officer

नई दिल्ली, 14 मई, 2008

का. आ. 1321.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब व सिंध बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 110/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-5-2008 को प्राप्त हुआ था।

[सं. एल-12013/80/1998-आई आर (बी-II)]
राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 14th May, 2008

S.O. 1321.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 110/1999) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure, in the Industrial Dispute between the management of Punjab & Sind Bank and their workmen, which was received by the Central Government on 13-5-2008.

[No. L-12013/80/1998-IR (B-II)]
RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

R.N. Rai, Presiding Officer

I.D. No. 110/1999

In the matter of :

Sh. Sardar Paramjit Singh Girgla,
S/o Sh. Surjan Singh Girgla,
R/o 7A, Tamur Nagar,
New Delhi-110065 ... Claimant

Versus

The Chairman-cum-Managing Director,
Punjab and Sind Bank,
21, Rajendra Place,
New Delhi. ... Respondents

AWARD

The Ministry of Labour by its letter No. L-12013/80/98-IR(B-II) Central Government dt. 24/30-03-1999 has referred the following point for adjudication :

The point runs as hereunder :—

"Whether the action of the Dy. General Manager, Punjab and Sind Bank, Zonal Office, C-14/16, Con. Place, New Delhi in not allowing duty to Mr. Pramajit Singh Girgla, Ex. Clerk-cum-Cashier, Punjab and Sind Bank, Hemkunt Colony Branch when he reported for duty on 07-08-1996 in response to the first notice of the bank dated 06-07-1996 and then treating him as voluntarily retired from the services w.e.f. 26-11-1996 under Clause 17 of the BPS and also detaining his salary dues is proper and justified? If not, to what relief the said workman is entitled to ?"

The case of the workman is that he was appointed as Clerk-cum-Cashier in the year 1978.

That a show cause notice was given to him on 06-07-1996 but it was posted on 09-06-1996 and it was received by the workman after 09-07-1996.

That on 07-08-1996 within the period of 30 days, the workman approached the respondent for joining and he submitted the application for joining but he was not permitted to join. He has reported within the statutory period of 30 days.

That the management with a mala fide intention sent another notice under clause 17 of the BPS and illegally compulsorily retired him whereas he has been sending applications supported by medical certificate to the management for leave.

That the order of compulsory retirement is illegal and arbitrary. The workman has not been paid even all the wages to which he is entitled.

The case of the management is that the claimant did not report to duty within 30 days from 06-07-1996 and he was called by letter dated 14-08-1996 to substantiate his averments made vide his letter dated 08-07-1996 to enable the management to consider his request. The workman did not comply with the directions contained in the letter dated 14-08-1996. Vide letter dated 17-09-1996, the workman was once again given 10 days time to comply with the instructions. The workman did not bother to comply with the instructions of the management. He was given notice dated 07-10-1996 to substantiate his absence and subsequent act of omission to satisfy the management and that he had intention to join duty within 30 days of the date of the notice else he will be deemed to have voluntarily retired from the bank's service on the expiry of notice period.

That the workman did not respond to the letter dated 07-10-1996, he was deemed to have voluntarily retired from service of the management as per P-17 of the BPS vide order dated 26-11-1996 of the management.

That all the dues till 31-03-1997 have been paid to the workman.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he has been illegally retired. He has no intention of not joining duty and abandoning the job. He was suffering from viral fever so he could reply to the letter dated 07-10-1996.

It was submitted from the side of the management that the previous notice dated 06-07-1996 was dispatched on 09-07-1996. The workman reported for duty but he was asked to substantiate his unauthorized absence and letter was sent to him on 07-08-1996 but he did not response to the letter. Again a letter dated 07-10-1996 was sent to him and it was mentioned in that letter that in case he failed to reply to the letter he will be deemed to have voluntarily retired. The workman did not respond to the letter dated 07-10-1996, so he was voluntarily retired on 26-11-1996.

From perusal of the records it transpires that notice for the first time to the workman was sent on 06-07-1996 but it was dispatched on 09-07-1996. The workman has filed Annexure-D letter dated 09-08-1996 to GM, Punjab and Sind Bank Zonal Office. It has been mentioned in this letter that he went to the concerned branch on 07-08-1996 to join duty but he was not permitted to join duty. It has been also mentioned in this letter that he could not report earlier as he was down with viral fever. Receipt of the letter has been admitted to the management. It contains the seal and signature of receiving. Notice dated 06-07-1996 was dispatched on 09-07-1996, so the workman reported for duty on 07-08-1996 within 30 days of notice.

As per 17 BPS the management can issue 30 days notice after 90 days absence. The workman was no doubt absent for 90 days and notice has rightly been sent to him after absence of 90 days.

From perusal of the notice it becomes quite obvious that the workman was directed to resume his duties or give satisfactory explanation otherwise he will be deemed voluntarily retired.

The workman approached the management well in time on 07-08-1996 within 30 days of the stipulated time in the notice but he was not permitted to join duty. The management did not voluntarily retire him after service of this notice.

The management has issued another notice dated 07-10-1996 and the workman has been voluntarily retired on 26-11-1996. It is proved that the workman reported to duty on 07-08-1996 and he was not permitted to join. He shall be deemed to have joined the duty on that day. The management illegally did not permit him to join duty. The management issued another 30 days notice on 07-10-1996 after 60 days of absence and voluntarily retired him on 26-11-1996.

The second notice has been sent after 60 days of absence of the workman. The workman reported for duty on 07-08-1996 and he shall be deemed to be on duty on 07-08-1996, so in the circumstances second notice is to be sent after 90 days of absence whereas it has been sent after 60 days of absence. The management should voluntarily retire a workman under 17 BPS if he has unauthorisedly absented for 90 days and notice of 30 days notice is to be sent to the workman.

The management has filed details of attendance of the workman from 17-06-1994 to 26-11-1994. The workman has worked for 56 days during 17-06-1994 to 26-11-1994. The workman has denied this document but it contains the seal and signature of the management.

The workman has not filed any document to show that he worked for more than 56 days during 1994 and 1995. This document establishes the fact that the workman was in the habit of remaining unauthorized absent.

From perusal of the record it transpires that the workman has performed 56 days duty in 1994, 1995 and 1996. He has rendered only 56 days duty from 17-04-1994 to 26-11-1996.

It was submitted from the side of the management that the workman was in the habit of remaining unauthorized absent.

From perusal of the records it becomes quite obvious that the workman was in the habit of remaining unauthorisedly absent in 1994, 1995 and 1996 but the management has not acted fairly and the second notice has not been sent after 90 days of unauthorized absence.

The workman has filed Annexure-D Ex. WW1. This document has not been denied by the management. It is addressed to the GM, Punjab and Sind Bank Zonal Office. It has been stated in this letter that the workman approached his office on 07-08-1996 and was not allowed to join. It has also been mention that despite the fact that he showed the Branch Manager the proof of dispatch of the letter by the Zonal Office on 09-07-1996.

It becomes quite obvious that in response to the letter dated 06-07-1996 which was dispatched on 09-07-1996, the workman approached his office on 07-08-1996 for joining duty but the Branch Manager did not permit him to join duty. The workman made representation to the GM, PSB zonal office on 09-08-1996. This letter proves that the letter was received by the Zonal Office and there is some endorsement of the officer on this letter.

As per the provisions of Clause 17 BPS in case after 90 days absence a 30 days notice is sent the workman should report to join duty or give satisfactory explanation. In the instant case the workman approached within 30 days to resume his duties but he was not permitted to join. He made representation on 09-08-1996 to GM regarding this fact. The management did not permit him to join as he has not gone there to join with application and medical certificate. It is not required as per the provisions of Clause 17 BPS that the workman should report to duty along with explanation. He was directed to report for duty or give satisfactory explanation in the letter dated 06-07-1996. He did approach the bank for joining on 07-08-1996 but malafidely the workman was refused to resume his work. The workman has not been retired voluntarily on this notice.

The management sent to the workman the second notice on 07-10-1996 after a gap of 60 days to report for duty or give explanation. The workman did not report for duty and he did not send any reply. He was voluntarily retired on 26-11-1996. The second notice dated 07-10-1996 has been sent after 60 days. The workman approached for joining on 7-08-1996 but he was not permitted to join so it shall be deemed that he did join duty. The second notice should have been sent after 90 days of unauthorized absence whereas it has been sent after 60 days of absence, so the notice dated 7-10-1996 is not proper as it has not been sent after 90 days of unauthorized absence. So the order of voluntarily retire on 27-11-1996 is illegal as it is in breach of provisions of Clause 17 of the BPS. The management should have sent 30 days notice after a period of 90 days. The notice is not proper. The workman has been illegally and arbitarily voluntarily retired on 60 days notice which is against the provisions of Clause 17 BPS.

The workman has not rendered service from 9-08-1996 and he was in the habit of remaining unauthorisedly absent so he is not entitled to get any back wages. The notice dated 7-10-1996 is invalid as it has not been sent after 90 days of absence and the order of voluntarily retired dated 26-11-1996 is also illegal.

The order dated 26-11-1996 regarding voluntarily retired is set aside and the workman is reinstated without back wages.

The reference is replied thus :—

The action of the Dy. General Manager, Punjab and Sind Bank Zonal Office, C-14/16 Con. Place, New Delhi in not allowing duty to Mr. Pramajit Singh Girgla, Ex. Clerk-cum-Cashier, Punjab and Sind Bank, Hemkunt Colony Branch when he reported for duty on 7-8-1996 in response to the first notice of the bank dated 6-7-1996 and then treating him as voluntarily retired from the services w.e.f. 26-11-1996 under Clause 17 of the BPS and also detaining his salary dues is neither proper nor justified. The management should reinstate the workman with continuity of service but without back wages within two months from the date of the publication of the award.

The award is given accordingly.

Date : 1-5-2008 R.N. RAI, Presiding Officer

नई दिल्ली, 14 मई, 2008

का. आ. 1322.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 42/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-5-2008 को प्राप्त हुआ था।

[सं. एल-12012/283/94-आई आर (बी-II)]
राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 14th May, 2008

S.O. 1322.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 42/1995) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 13-5-2008.

[No. L-12012/283/94-IR (B-II)]
RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

R.N. Rai, Presiding Officer

I.D. No. 42/1995

In the matter of :

Sh. Krishna Pal,
C/o All India Allahabad Bank
Employees Association,
C/o Allahabad Bank,
East Patel Nagar,
New Delhi ... Claimant

Versus

The Assistant General Manager,
Allahabad Bank,
Regional Office, Karol Bagh,
Arya Samaj Road,
New Delhi. . . . Respondents

AWARD

The Ministry of Labour by its letter No. L-12012/283/94-IR(B-II) Central Government dt. 15-3-1995 has referred the following point for adjudication :

The point runs as hereunder :—

"Whether the demand of All India Allahabad Bank Employees Association, New Delhi on the management of Allahabad Bank, New Delhi for payment of functional allowance to Sh. Krishna Pal, one-third part-time permanent Sweeper, Okhla Branch of the bank for having worked as Peon-cum-Farash and Bill Collector during May and June, 1991 is legal and justified? If not, what relief is the said workman entitled to ?"

The case of the workman is that he was a part time permanent employee, working as Sweeper in Allahabad Bank at his Okhla Branch, New Delhi. The workman performed the duties of Peon-cum-Farash, Peon-cum-Bill Collector and Peon-cum-Daftri from 21-5-1991 to 22-6-1991 and the Branch Manager did not make him enhanced payment of Peon-cum-Farash, Peon-cum-Bill Collector and Peon-cum-Daftri.

The case of the management is that the workman was not paid functional allowance as he did not perform the duties of Peon-cum-Farash, Peon-cum-Bill Collector and Peon-cum-Daftri between 21-5-1991 to 22-6-1991.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he performed the work of Peon-cum-Farash, Peon-cum-Bill Collector and Peon-cum-Daftri from 21-5-1991 to 22-6-1991 almost for a month but the Branch Manager did not make payment of functional allowance for this period.

It was submitted from the side of the manag that the workman performed the duties of a part-time sweeper in 1/3rd scale of wages. He was never entrusted the work of Peon-cum-Farash, Peon-cum-Bill Collector and Peon-cum-Daftri. He was only a part time sweeper. He worked from 9.30 AM to 11.30 AM. He did not perform the duties, so the functional allowance has not been given to him.

From perusal of the records it becomes quite obvious that Sh. Krishna Pal was a part time sweeper on 1/3rd scale of wages and he swept 1200 sq. ft. area from 9.30 AM to 11.30 AM. Sh. Brijpal was Daftri, Sh. Ravi Kant was Peon-cum-Bill Collector, Sh. Baldeo Singh was Armed guard, Sh. Muka Singh was Peon-cum-Farash.

The management has attached the photocopy of attendance register. It becomes quite obvious from perusal of the attendance register that Peon-cum-Farash, Peon-cum-Bill Collector and Peon-cum-Daftri were present on 21-5-1991 to 22-6-1991. The workman has not filed any document to show that he performed the duties of Peon-cum-Farash, Peon-cum-Bill Collector and Peon-cum-Daftri in between 21-5-1991 to 22-6-1991. He has filed only affidavit in support of his contention. In cross-examination he has stated that he did not know the contents of his affidavit. Nobody explained the contents of affidavit to him.

The workman has filed no document to establish that for one month he discharged the duties of Peon-cum-Farash, Peon-cum-Bill Collector and Peon-cum-Daftri except of his affidavit. Affidavits are self serving and it cannot be deemed proved that the workman performed duties of Peon-cum -Farash, Peon-cum-Bill Collector and Peon-cum-Daftri for one month whereas all the three employees were present at that period. The workman was rightly not paid functional allowance as he has not discharged the duties of peon-cum-Farash, Peon-cum-Bill Collector and Peon-cum-Daftri. He was a part-time sweeper. He has filed false claim.

The reference is replied thus :—

The demand of All India Allahabad Bank Employees Association, New Delhi on the management of Allahabad Bank, New Delhi for payment of functional allowance of Sh. Krishna Pal, one-third part-time permanent Sweeper, Okhla Branch of the Bank for having worked as Peon-cum-Farash and Bill Collector during May and June, 1991 is neither legal nor justified. The workman application is not entitled to get any relief as prayed for.

The award is given accordingly.

Date : 07-05-2008

R.N. RAI, Presiding Officer

नई दिल्ली, 14 मई, 2008

का. आ. 1323.—औद्योगिक विवाद अधिनियम, 1947 (1947 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 65/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-5-2008 को प्राप्त हुआ था।

[सं. एल-12011/34/2006-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 14th May, 2008

S.O. 1323.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 65/2006) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure, in the Industrial Dispute between the management of Punjab National Bank and their workmen, which was received by the Central Government on 13-5-2008.

[No. L-12011/34/2006-IR (B-II)]
RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

R.N. Rai, Presiding Officer

I.D. No. 65/2006

In the matter of :

Sh. Mukesh Kumar,
C/o General Secretary,
All India Bank Staff Association,
33-34, Bank Enclave, Ring Road,
Rajouri Garden,
New Delhi-110027 ... Claimant

Versus

The Asstt. General Manager,
Punjab National Bank,
Region-I, Zonal Office,
Garh Road,
Meerut (UP). ... Respondents

AWARD

The Ministry of Labour by its letter No. L-12011/34/2006-IR(B-II) Central Government dt. 1-8-2006 has referred the following point for adjudication :

The point runs as hereunder :—

"Whether the action of the management of Punjab National Bank, Zonal Office, Saharanpur in denying ½ of scale of wages to Sh. Mukesh Kumar, Part-time Sweeper is legal and justified ? If not, to what relief the concerned workman is entitled and from which date ?"

The Union has sent letter that the matter has been compromised.

No dispute award is given.

Date : 6-5-2008 R.N. RAI, Presiding Officer

नई दिल्ली, 15 मई, 2008

का. आ. 1324.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, सोलापुर के पंचाट (संदर्भ संख्या 02/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-5-2008 को प्राप्त हुआ था।

[सं. एल-41012/136/1996-आई आर (बी-I)]
एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 15th May, 2008

S.O. 1324.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 02/1998) of Industrial Tribunal, Solapur as shown in the Annexure, in the Industrial Dispute between the management of Central Railway and their workmen, which was received by the Central Government on 15-5-2008.

[No. L-41012/136/1996-IR (B-I)]
N. S. BORA, Desk Officer

ANNEXURE

Received on : 27-2-1998
Registered on : 27-2-1998
Decided on : 28-3-2008
Duration : 10 yr. 29 ds.
Exhibit :

BEFORE THE INDUSTRIAL TRIBUNAL AT SOLAPUR

Reference (IT) No. 2 of 1998

BETWEEN :

Divisional Railway Manager,
Central Railway, Solapur-413001 ... First Party

AND

Pralhad Namdeo Nanaware,
Age : 40 yrs. Occu. Nil,
R/o Solapur, Distt. Solapur ... Second Party

In the matter reference u/sec. 10 of the Industrial Disputes Act, 1947, for adjudication

CORAM :

Suresh P. Shaiwale,
Industrial Tribunal, Solapur,

APPEARANCES :

Shri G. H. Kulkarni, Advocate for the First Party

Shri G. R. Joshi, Advocate for the Second Party

AWARD

(Delivered on : 28th March, 2008)

1. In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government has made this Reference to this Tribunal for adjudication of the dispute in the following terms :

SCHEDULE

"Whether the action of the Divisional Railway Manager, Central Railway, Solapur in terminating the services of Shri Pralhad Namdeo Nanaware, casual labour w.e.f. 19-3-1987 is legal and justified ? If not, what is the relief to which the workman is entitled ?"

2. On receipt of the reference, notices were issued to the parties. In response to the said notices, the parties have appeared. Second party has submitted his statement of claim at Exhibit U-1.

3. The case of the second-party is that—he was in the employment of the first-party during the period from 1985 till 9th June, 1987. He was serving as a 'khalashi' at Solapur. He claims to have worked for more than 240 days in each year, prior to 9-6-1987. It is contended that on 9-6-1987 when the second party went to resume his duties he was orally informed that his services have been terminated. He was also informed that his name has been removed from the muster roll. No written order of termination of his services was issued. It is alleged that the first party has terminated the services of the second-party without following due procedure prescribed in that behalf i.e. without following the provisions of Section 25-F of the Industrial Disputes Act and, therefore, it is alleged that the termination of the services of the second-party is illegal and improper. It is alleged that the other workmen have been retained in the service. The first-party has not prepared any seniority list. The second-party has, therefore, prayed that the termination of his service be declared as illegal and improper and the same be set aside and the first party be directed to reinstate the second-party with continuity of service and full back wages. The second-party has lastly prayed to allow the Reference accordingly.

4. The claim of the second party is opposed by the first party by filing written statement at Exhibit C-4. The first party has denied the claim of the second party. According to the first party, the second party entered in the service of the first party as a 'casual labour' in class-IV category, on 16-5-1985 at Solapur, by producing a casual labour card allegedly issued by permanent way-inspector, Shahabad, showing his previous service as a casual labour during the period from 18-2-1980 to 18-5-1980. It is contended by the first party that the second party worked in Railway in various departments as below :

From 16-5-1985 to 30-6-1985—under Station Supdt., Solapur.

From 19-7-1985 to 23-7-1985—under Inspector of Works, Solapur.

From 20-9-1985 to 19-10-1985—under Signal Inspector, Solapur.

From 5-3-1986 to 31-3-1986—under Chief Ticket Inspector, Solapur.

From 2-4-1986 to 30-4-1986—under Chief Ticket Inspector, Solapur.

From 1-5-1986 to 31-5-1986—under Chief Ticket Inspector, Solapur.

From 1-6-1986 to 30-6-1986—under Chief Ticket Inspector, Solapur.

From 1-7-86 to 31-10-86—under Carriage and Wagon Supdt., Solapur.

From 17-12-86 to 31-12-86—under Carriage and Wagon Supdt., Solapur.

From March, 1987 to 9-6-87—under Chief Ticket Inspector, Solapur.

5. It is contended by the first party that from 17-1-1981 there is a complete ban in railways for engaging fresh casual labours. In order to show that he was engaged in railways prior to 17-1-1981, the second party produced the aforesaid casual labour card for the purpose of showing that he had worked under Permanent Way Inspector, Shahabad during the period from 18-2-1980 to 18-5-1980, but on verification it was found that the said casual labour card was false. In fact, it is contended that the second party never worked at Shahabad during the aforesaid period. It is, therefore, alleged that the second party got the employment with the first party as a casual labour by producing forged and false document and thereby the second party committed a serious misconduct and, therefore, his services came to be discontinued with effect from 10-6-1987. It is contended that there is neither any vacancy nor any work available with the first party for engaging the second party. The first party has denied that the termination of the services of the second party is illegal or improper. It is further contended that there is inordinate delay in making this reference. Therefore, on these grounds the first party has prayed for rejection of the reference with costs.

6. Considering the pleadings of the parties, the issues were framed at Exhibit O-4. The second party has adduced his evidence at Exhibit U-9 in support of his claim. The first party has not adduced any oral evidence. Some documents are placed on record by the parties.

7. I have heard the arguments of Shri V. R. Deshpande, Advocate appearing on behalf of the first party and Shri G. R. Joshi, Advocate appearing on behalf of the Second Party.

8. The issues framed at Exhibit O-4 with my findings recorded against them, for the reasons stated below, are as under :

	Issues	Findings
(I)	Whether the termination of the IInd Party by the First party is legal and proper ?	In affirmative
(II)	Whether the IInd party is entitled to the relief claimed ?	In negative
(III)	What order and award ?	As per final Award

REASONS :

9. The first party in its written statement has alleged that the service of the second party has been terminated with effect from 10-6-1987, as according to the first party, the second party got the employment dishonestly as a casual labour by practicing fraud and by producing a false casual labour card and, as such, committed the misconduct. However, first party has not adduced any evidence to substantiate its case regarding the misconduct allegedly committed by the first party. However, the failure of the first party to prove its case regarding the alleged misconduct does not entitle the second party to get the reliefs claimed by him. The second party has come with a case that the first party has terminated his service without complying the provisions of Section 25F of the I. D. Act, and as such, the said termination is illegal. Therefore, in order to get the reliefs claimed, the second party has to prove his aforesaid case. His case must stand or fall by the proof in support of his case. He cannot rely on the failure of the first party to prove its case. I, therefore, proceed to consider the case put forward by the second party-workman in his statement of claim.

10. Admittedly, the second party was the employee of the first party. It is not disputed that the second party joined the service of first party on 16-5-1985 and his services came to be discontinued with effect from 10-6-1987. The second party claims to have worked for more than 240 days in a year, during the aforesaid period of his service. The burden of having worked for more than 240 days is on the employee i.e. the second party in this case, as has been held in the case—Municipal Corporation, Faridabad Vs. Siri Nivas, 2004 III C. L. R. pg. 543.

In the instant case, the said burden stands discharged in view of the admission of the first party contained in the written statement.

11. Here, in this case, it is an admitted fact that the first party terminated the service of the respondent with effect from 10-6-1987. In para no. 14 of the written statement Exhibit C-4 the first party has given the details about the working days of the second party. The first party has contended that the second party worked during the period from 1-6-1986 to 31-10-1986, 17-12-1986 to 31-12-1986, and from March, 1987 to 9-6-1987. It is, therefore, obvious that the second party worked for more than 240 days during the year prior to 10-6-1987 i.e. before the date of termination of his service. However, by mere completion of 240 days work in a year the second party has not acquired any legal right in relation to the post. In the case—Executive Engineer, Zilla Parishad, Engineering Divison and Another Vs. Digambara Rao etc. etc. 2004 III, C.L.R. 972. The Hon'ble Apex Court has held that—

> "It may not be out of place to mention that completion of 240 days of continuous service in a year may not by itself be a ground for directing an order of regularization. It is also not the case of the respondents that they were appointed in accordance with the extant rules. No direction for regularisation of their services, was therefore, could be issued" [See–A. Umarani Vs. Registrar, Co-operative Societies and others, Jt 2004 (6) SC 110; (2004) 7 SCC 112 and Pankaj Gupta & Ors. etc. Vs. State of Jammu and Kashmir & Ors. 2004 (7) Scale 682]".

12. Here, in this case, the second party has placed reliance on the circulars filed under list Exhibit C-6, which are applicable to the casual labour. Therefore, it is an admitted fact that the second party was appointed as a casual labour. It is not the case of the second party that he was appointed as a regular employee on a vacant post by following the rules and procedure of the appointment. Therefore, he cannot be said to have acquired any legal right in relation to the service. In this context, reliance is placed by the advocate of the first party on the case Secretary, State of Karnataka and Others Vs. Umadevi and Others, 2006 II C.L.R. 261, wherein the Constitutional Bench of the Hon'ble Apex Court in para no. 34 has held that—

> ".....unless the appointment is in terms of the relevant rules and after a proper competition among qualified persons, the same would not confer any right on the appointee. If it is contractual appointment, the appointment comes to an end at the end of the contract, if it were an engagement or appointment on daily wages or casual basis, the same would come to an end when it is discontinued. Similarly, a temporary employee could not claim to be made permanent on the expiry of his term of appointment. It has also to be clarified that merely because a temporary employee or casual worker is continued for a time beyond the term of his appointment, he would not be entitled to be

absorbed in regular service or made permanent, merely on the strength of such continuance, if the original appointment was not made by following a due process of selection as envisaged by the relevant rules. It is not open to the Court to prevent regular recruitment at the instance of temporary employees, whose period of employment has come to an end or of ad-hoc employees who by the very nature of their appointment, do not acquire any right....."

13. In the case Indian Drugs and Pharmaceuticals Ltd. Vs. Workman, Indian Drugs and Pharmaceuticals Ltd., 2007, I C.L.R. 48, Hon'ble Apex Court in para No. 14 has observed that—

"The casual, daily rated or adhoc employees, like the respondents in the present appeal have no right to be continued in service, far less of being regularized and get regular pay."

14. Here, in this case, the second party was admittedly appointed as a casual labour and it is not his case that he was appointed as a regular employee by following the relevant rules and after a proper computation. It is not his case that he was appointed on any vacant post. Therefore, he has not acquired any legal right. His service came to an end on 10-6-87, as his service came to be discontinued with effect from that date. Under such circumstances, the question that needs to be considered is whether it was necessary for the first party to issue notice and to follow the provisions of Industrial Disputes Act merely because the second party had worked for more than 240 days. In this context, it is necessary to go through the observations made in the case B.S.N.L. Pune Vs. Balasaheb M. Poojari and Another, 2006 (5) Mah, L.J., 314. In that case the respondent—Balasaheb N. Poojari was working with the appellant as a casual majdoor. He was not appointed against a vacant post by following a statutory provisions. His service came to be terminated. In para no. 14, the Hon'ble Bombay High Court has observed that—

"14. Merely because the respondent worked continuously for 240 days, it cannot be said that it was necessary for the employer to issue notice and follow the provisions under Industrial Disputes Act. In fact, in a case M.P. Housing Board and Another Vs. Manoj Shrivastav, 2006, A.I.R., S.C.W. pg. 1235 the Apex Court has observed that—

Where the employee was appointed as a daily wager but not against the vacant post which was duly sanctioned by the statutory authority nor his appointment was made upon following the statutory law operating in the field, he cannot be made permanent employee. A daily wager does not hold a post unless he is appointment in terms of the Act and the rules framed thereunder. He does not derive any legal right in relation thereto. Further, only because a person had been working for more than 240 days, he does not derive any legal right to be regularized in service.

15. Similar view is taken by Their Lordships of the Hon'ble Apex Court in a case—Branch Manager, M.P. State Agro Industrial Development Corporation Vs. S.C. Panade, 2006 I C.L.R. 1066.

16. Thus, having regard to the abovementioned recent decision of the Apex Court and considering the facts and circumstances of the present case, we are of the view that the present appellant—Bharat Sanchar Nigam was not under statutory obligation in this case to issue notice of termination to respondent-worker and follow the procedure as laid down under Section 25-F of the Industrial Disputes Act".

15. As noted above, in this case the second party has neither alleged nor has proved that he was appointed as a regular employee on vacant post by following the rules and procedure of appointment. On the contrary, it is not disputed that the second party was appointed as a casual labour. Therefore, the second party did not acquire any legal right to be continued in service. His service came to an end, as the first party discontinued his service with effect from 10-6-1987. The first party was not under obligation to issue the notice of termination of service and to follow the procedure laid down in Section 25F of the Industrial Disputes Act, before terminating the service of the second party merely because the second party had worked continuously for more than 240 days in a year, as has been held in the case of B.S.N.L. Pune (cited supra). Therefore, the termination of the service of the second party cannot be said to be illegal. Considering these facts and the law laid down in the cases cited supra, I conclude that the second party is not entitled to the reliefs claimed.

16. Another aspect of the matter, which needs to be mentioned here is about the delay. Here, in this case, the first party terminated the service of the second party on 10-6-1987 and after 10 years the second party raised the dispute about the termination of the service upon which the reference has been made to this court on 17-2-1998. No explanation is given for such delay. In this context, reliance is placed by the learned advocate of the first party on the case Haryana State Co-operative Land Development Bank Vs. Neelam, All India Services Law Journal-VI, 2005 (2) pg. 218 (SC), wherein the Hon'ble Apex Court has observed that—

"The conduct of the appellant in approaching the Labour Court after more than 7 years had therefore, been considered to be a relevant factor by the Labour Court for refusing to grant any relief to her. Such a

consideration on the part of the Labour Court cannot be said to be an irrelevant one. The Labour Court in the aforementioned situation cannot be said to have exercised its discretionary jurisdiction injudiciously, arbitrarily, and capriciously warranting interference at the hands of the High Court in exercise of its discretionary jurisdiction under Article 226 of the Constitution".

17. Reliance is also placed by the learned advocate of the first party on the case Indian Iron and Steel Company Limited Vs. Pralhad Singh 2001, SCC (L and S), 239, wherein the Hon'ble Apex Court in para No. 12 has observed that—

".....the claim was made almost after a period of 13 years without any reasonable or justifying ground and there was nothing on record to explain this delay as held by the Tribunal. When the respondent did not make claim for 13 years without any justification and on merits also he had no case, the Tribunal did not rightly grant him any relief".

18. Here, in the instant case as noted above, there is delay of 10 years in raising the dispute about the termination of the service of the second party and the delay is not at all explained. Thus, having considered the above aspects of the matter, I am of the view that the second party is not entitled to the reliefs claimed. Hence, the reference is answered against the second party. Hence, I proceed to pass the following award.

AWARD

I. The Reference is answered as follows—

II. The action of the Divisional Railway Manager, Central Railway, Solapur in terminating the services of Shri Pralhad Namdeo Nanaware, second party-casual labour with effect from 10-6-1987 is legal and justfied.

III. The second party is, therefore, not entitled to any relief.

IV. Award accordingly.

Place : Solapur.
Dt. 28-3-2008

SURESH P. SHAIWALE, Presiding Officer

Sd/-

(T.V. Lamkane)
Assistant Registrar,
Industrial Tribunal, Solapur.

नई दिल्ली, 15 मई, 2008

का. आ. 1325.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन. एफ. रेलवे प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण गुवाहाटी के पंचाट (संदर्भ संख्या 02/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-5-2008 को प्राप्त हुआ था।

[सं. एल-41012/07/2005-आई आर (बी-I)]
एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 15th May, 2008

S.O. 1325.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 02/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Guwahati as shown in the Annexure, in the Industrial Dispute between the management of N.F. Railways, and their workmen, which was received by the Central Government on 15-5-2008.

[No. L-41012/07/2005-IR (B-I)]
N. S. BORA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI, ASSAM

Present :

Shri H. A. Hazarika, LL.B.
Presiding Officer,
CGIT-cum-Labour Court, Guwahati.

Ref. Case No. 02 of 2005

In the matter of an Industrial Dispute between

The Management of N.F. Railway, Lumding Divison

Versus

Their Workmen Sri Joy Stephen

Appearances :

For the Workman : Sri Ashish Das Gupta, Advocate
Smti B. Das, Advocate

For the Management : Mr. S. N. Choudhury, Rly. Advocate.

Date of Award : 17-01-08

AWARD

1. The Government of India, Ministry of Laobur, New Delhi, vide its order No. L-41012/7/2005-IR (B-I) dt. 29-04-2005 referred this Industrial Dispute arose between the employers in relation to the Management of N.F. Railway, Lumding Division and their Workmen, Sri Jitendra Nath Konwar and 2 others to adjudicate and to pass an award on the strength of powers conferred by

Clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) on the basis of the following Schedule :

SCHEDULE

"Whether Shri Joy Stephen was a workman under the Industrial Disputes Act, 1947 ? If yes to what relief he was entitled to ? And whether the termination of Shri Joy Stephen is fair, just and legal ? If not, to what relief is the workman concerned entitled ?"

2. The case of the Workman Sri Joy Stephen from his Written Statement in brief is that he was engaged for the job of coal and ash handling of the Railway Steam Engine at Badarpur N.F. Railway under N.F. Railway. The job was done by Badarpur Labour Cooperative Society where the Workman was employed. He worked till 1997 when the Steam Engine was abolished in N.F. Railway. After abolition of Steam Engine he was retrenched from the service. Then he was engaged as Box Porter by the N.F. Railway at Badarpur and worked so till 14-08-2003, on which date he was retrenched. No retrenchment compensation was paid to him. He drew his wages from the concerned Mechanical Engineer at Badarpur who supervised his works. His attendance was also recorded by the Railway authority who paid his wages. Accordingly he is a workman under the N.F. Railway as comtemplated under Section 2(s) of the Industrial Disputes Act, 1947. After his retrenchment in 14th August, 2003 he was called upon to work as a contract labour under Badarpur Labour Cooperative Society. He has also performed of the same job of Box Porter under Nagaland Mazdoor Cooperative Society, Badarpur. He was illegally converted to contract worker from the Railway employee. He raised his demand for absorption and for regularization before the N.F. Railway and the Railway concerned did not absorb him. Hence he has been to conciliation proceeding where the dispute could not be settled. Hence, his matter was referred and he prayed to reinstate him with full back wages and regularization him as an employee of the N.F. Railway.

3. The Case of the Management in brief from the narration of their Written Statement is that the workman Sri Joy Stephen was never engaged by the authority of N.F. Railway for the job of Coal and Ash handling of Railway Steam Engine at Badarpur. The work of Coal and Ash handling was awarded to Labour Co-operative Society Ltd. on contractual agreement and the Workman Sri Joy Stephen worked under the Contractor as engaged by the Contractor and not engaged by the N.F. Railway. Thereafter the Steam Locomotive was closed. After the abolition of Steam Engine the Co-operative Society concerned retrenched him. That the contractual works of Transportation of driver line boxes and tool boxes at Badarpur was awarded to Labour Co-operative Society on contractual basis for the period from 15-08-98 to 11-08-2003 and Sri Joy Stephen was worked there under the contractor as engaged by the Contractor. He was not engaged by the authority of N.F. Railway. That he never working under the Fore man of Badarpur Railway and his attendance was never recorded by the N.F. Railway and his case is not under the definition of 2(s) of the Industrial Disputes Act, 1947. Sri Joy Stephen never wroked under N.F. Railway as such, his claim of reinstatement and regularization does not come and the management prayed to dismiss his claim raised in this reference case.

4. It is pertinent to note here that after filing Written Statement and engaging Advocate and after giving so many opportunities the workman did not come with witness with this and that pretext. It is also very important to note that on 13-9-07 when the evidence for the workman was fixed the workman remained absent without step and in spite of that an opportunity was given to the workman to adduce evidence on condition that if on date fixed the workman remains absent the evidence of the Management will be recorded and the matter will be proceeded ex parte. However later on, again opportunity was given as prayed by his learned Advocate for appearance and evidence of the workman but it is clearly reflected in my order dated 12-12-07 that the workman seems to be not diligent. However, a date was given for the evidence of the workman and in case of his failure the evidence of the workman will be recorded on 16-1-08. On 16-1-08 the workman remained absent without step.

For the laches of the workman the Management is also not to suffer. It is the Cardinal Rule, for one party the other party not to suffer. The Labour disputes are to be disposed speedily.

5. Under the above facts and circumstances the evidence of the Management was recorded ex parte. The Management examined Sri Subhas Ranjan Nandi, Divisional Personnel Officer, N.F. Railway, Maligaon who has deposed that as per record the workman was a contractor labour under Labour Co-operative Societies on contractual basis. The Labour Co-operative Society is a Private Agency. The workman was never an employee of Railway authority. Hence, question of his termination does not arise in his case. For the purpose of proper entry and to avoid entry of anti social elements into Railway premises generally Identity Card even to the outsiders who are not employees to the Railway are also issued in case of necessity.

6. I have perused all the decuments in the record and the evidence of the solitary Managment witness. I find from the Written Statement filed by the workman that he was engaged of the job of Coal and Ash handling by Badarpur Labour Co-operative Society. He also claimed that he was engaged by the authority as Box Porter and worked under Loco Foreman (M), N.F. Railway. But no

any appointment letter is submitted by him that he was appointed by the Railway authority concerned. In the evidence the MW 1 clearly stated that the Co-operative Society who engaged the workman is a Private Agency. The workman engaged by a Contractor under contractual agreement through Private Agency the workman can not claim regularization or any benefit of service under Railway authority concerned. Even Identity Card issued to the workman can not be claimed of his regularization as in the evidence the MW I stated that Identity Card may be issued even to the outsiders to avoid entry of anti-social elements to the Railway premises.

7. Under the above facts and circumstances in my opinion the workman was never engaged by the N.F. Railway and he has got no right to claim regularization under the Railway authority concerned. Hence, his claim for regularization or reinstatement is rejected.

8. Accordingly the award goes in favour of the Railway Management and against the Workman. The workman is not entitled for any relief.

9. Prepare the award and send it to the authority concerned immediately as per procedure.

H. A. HAZARIKA, Presiding Officer

नई दिल्ली, 15 मई, 2008

का. आ. 1326.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 165/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-5-2008 को प्राप्त हुआ था।

[सं. एल-12012/326/1997-आई आर (बी-I)]
एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 15th May, 2008

S.O. 1326.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 165/1998) of Central Government Industrial Tribunal-cum-Labour Court-II, New Delhi as shown in the Annexure, in the Industrial Dispute between the management of State Bank of India, and their workman, which was received by the Central Government on 15-5-2008.

[No. L-12012/326/1997-IR (B-I)]
N. S. BORA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

R. N. Rai, Presiding Officer

I.D. No. 165/1998

In the matter of :

Shri Ranbir Singh,
S/o Shri Gopal Singh,.
C-3/36A, Kesav Puram (Lawrence Road),
Delhi-110035 ... Claimant

Versus

The Dy. General Manager,
SBI, Delhi Zonal Office,
11, Sansad Marg,
New Delhi-110001. ... Respondents

AWARD

The Ministry of Labour by its letter No. L-12012/326/97-IR (B-I) Central Government dt. 22-07-1998 has referred the following point for adjudication :

The point runs as hereunder :—

"Whether the action of the management of State Bank of India in terminating the services of Shri Ranbir Singh, Messenger-cum-Water Boy w.e.f. 08-03-1997 is just, fair and legal ? If not, what relief the concerned workman is entitled to ?"

The case of the workman is that he was recruited as Messenger-cum-Water Boy on 10-04-1993 at Punjabi Bagh Branch of the management. The workman worked there continuously up to 8-3-1997, whereafter his services were terminated by the bank without giving to him any notice or retrenchment compensation, as provided in Section 25 of the ID Act, 1947 and Para 522(4) of the Sastry Award.

That the service conditions of the workman are laid down in the Sastry Award as modified by Desai Award and subsequent bipartite settlements, which have statutory force. The bank's guidelines/rules are stipulated in Chapter 26 of the reference book on Staff Matters (page 302 to 310).

That by virtue of about four years of continuous service the workman had become a protected workman in terms of the provisions of the ID Act.

That the association vide its letter dated 8-2-1997 addressed to the Dy. General Manager, SBI, Zonal Office, New Delhi had requested the bank to regularize the services of the workman, but instead of regularizing the services as per the law, the bank illegally retrenched the workman in violation of Section 25F of the ID Act, 1947 and para 522(4) of the Sastry Award.

That in the meantime the bank has made large scale recruitments in the workman's category, where the employees having up to 30 days of total temporary service have been recruited, whereas the workman has been denied

this opportunity in violation of Section 25G and H of ID Act, 1947.

That the action of the management in illegally terminating the services of the workman was unjust, unfair and illegal.

The case of the management is that the case has been raised through Shri S. K. Patney who is not competent under the law to represent Sh. Ranbir Singh. As per Section 36 of the ID Act, only an office bearer of the trade union can represent the workman, so the workman through Shri S. K. Patney cannot be allowed.

That the dispute raised by Shri Ranbir Singh is completely misconceived, baseless and hence ought to be rejected. Shri Singh was never appointed in the bank. No appointment letter was issued to him nor he ever marked his attendance in the attendance register. The SBI is a public sector institution where there are set rules about the recruitment of persons in the bank. The recruitment in the bank is being done by the well established machinery as per the rules of the bank keeping in view the rules of equal opportunity to all as enshrined in Articles 14 and 16 of the Constitution of India. The Branch Manager has no authority to appoint any person.

That Shri Singh was never appointed in the bank through aforesaid recruitment system. There is no relationship of master and servant as defined under ID Act between the bank and Shri Singh. The true fact are that the branch hires desert water coolers during summer season. To fill the water in these coolers is also the responsibility of the supplier of the coolers. For that he engages casual labourers for one hour or so on daily basis to fill the water in the coolers in the morning as the job requires only ½ an hour to one hour to fill the water in the coolers. Shri Singh was engaged by the said supplier of the coolers to fill water in the coolers.

Shri Singh was available in the branch, so the branch also used to purchase drinking water from him because there was a shortage of drinking water in the branch for which he used to submit his bills which were being paid. There was no relationship of master and servant.

It has been held by the Hon'ble Supreme Court in a case recorded in AIR 1996 Supreme Court page 1565 that it is a settled law that persons appointed without observing recruitment rules cannot be permanently absorbed. It has also been held in a case titled as Koodaranaji Service Co-operative Bank-Vs. M. M Lissy II LLJ 1994 page 97 that when the workmen were not appointed as per the prescribed rules, no master and servant relationship existed. Hence they cannot claim permanent absorption.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

From persual of the pleadings of the parties the following issues arise for adjudication :

1. Whether the concerned workman has completed 240 days work ?
2. Whether the workman is entitled to reinstatement/compensation ?
3. To what amount of back wages the concerned workman is entitled ?

Issue No. 1

It was submitted from the side of the workman that the workman was engaged on 10-04-1993 as casual labour by the bank. He worked continuously up to 08-09-1997 and thereafter his services were terminated in violation of Section 25F of the ID Act, 1947 and Para 5.22(4) of Sastry Award.

He has rendered four years of continuous service and he has worked for 240 days in every year of his employment. The management detained the junior in violation of Section G & H of the ID Act, 1947.

It was submitted from the side of the management that the workman was engaged to fill water in the coolers for one hour or so on daily basis. He was available in the branch so he was entrusted with the work of serving drinking water in the bank.

The management witness has admitted all the documents filed by the workman and has also been admitted by the management witness that payment made by the banks to the employees included the workman were reported to the controlling office the form of charges abstracted every month.

The workman has annexed document with the records. These documents have been admitted by the management. These documents relate to payment to the workman and these documents relate to December, January as well as October also, so it cannot be said that the workman was given the duty to fill water in the cooler and to serve drinking water.

From the admitted documents filed on the record it becomes quite obvious that the workman has worked for more than 240 days and the management has not been able to prove that he was engaged only for filling water in the desert coolers. The workman has filed document

regarding his work even in winter season also. So the workman has continuously worked in all the four years as alleged by him and he has worked 240 days work every year.

This issue is decided accordingly.

Issue No. 2

It was submitted from the side of the bank that reinstatement is not the only relief in all the cases of illegal termination. Section 11A of the ID Act, 1947 provides for payment of compensation also.

It was submitted from the side of the workman that compensation is payable in cases where an undertaking has become sick or it has been closed or it is in economic loss. It has not been established that the bank is in economic loss and it is a sick Industry.

My attention was drawn by the Ld. Counsel of the workman to 2000 LLR 523 State of UP and Rajender Singh. The Hon'ble Apex Court ordered for reinstatement with full back wages as the services of the daily wager cleaner who worked for 4 years was dispensed with without following the procedure for retrenchment. In the instant case also no retrenchment compensation has been paid. This case law squarely covers the instant case.

It has been held in 1978 Lab IC 1668 that in case service of a workman is terminated illegally the normal rule is to reinstate him with full back wages.

My attention was further drawn to AIR 2002 SC 1313. The Hon'ble Supreme Court has held that daily wager even if serving for a short period should be reinstated.

It was submitted from the side of the workman that in the instant case Sections 25F, G of the ID Act are attracted. In Section 25 of the ID Act it has been provided that if a workman has performed 240 days work and if the work is of continuous and regular nature he should be, given pay in lieu of notice and retrenchment compensation.

It has been held by the Hon'ble Apex Court that there is no cessation of service in case provisions of Section 25F are not complied. In the instant case no compensation has been paid to the workman.

In case a workman has worked for 240 days in a year and the work is of continuous and regular nature he should be paid retrenchment compensation. In case retrenchment compensation is not paid under Section 25F of the ID Act is attracted. There is no cessation of his services. He is deemed continued in service in the eye of law. In case there is breach of Section 25F the service is continued and reinstatement follows as a natural consequence.

ID Act, 1947 has been enacted to safeguard the interest of the workmen belonging to poor segment of society. It appears that legislature wanted that such workmen should not be harassed unnecessarily so Section 25F, U, T and Clause 10 of Vth Schedule have been enacted. The objects and reasons of ID Act, 1947 show that the respondent management should not be permitted to indulge in any unfair labour practice. The workmen should not be engaged for years and then they should be removed all of a sudden. There is provision of retrenchment compensation for his removal. Retrenchment compensation is for compensating him otherwise so that he can survive long interregnum of unemployment. In the instant case no retrenchment compensation has been paid.

It was submitted from the side of the management that the Hon'ble Apex Court in 2006 (4) Scale has put down a complete ban on regularization and reinstatement. The Hon'ble Apex Court has held that employment can only be made on the basis of procedure established in that behalf envisaged by the Constitution. Equality of opportunity is the hallmark and the Constitution enshrines affirmative action to ensure that unequals are not treated equals. So public employment should be in terms of constitutional scheme.

It was further submitted that the Constitution Bench Judgment has afforded a right according to which the government is not precluded from making temporary appointments or engaging workers on daily wages.

The Hon'ble Apex Court has not declared the provisions of ID Act unconstitutional. The Government has got no licence to make always appointment of daily wagers and to continue them for life time. Fixed term tenure appointments and temporary appointments cannot be the rule of public employment. At the time of making temporary appointments Articles 14, 16, 21, 23, 226 and 309 are infringed. There is no constitutional mandate that the government is at liberty to go on giving fixed term appointments for the entire tenure of service of an employee.

No such Article of the Constitution has been pointed out under which the Government or Public Sector units can continue incessantly to give temporary and fixed term appointments again and again. Since fixed term appointments and temporary appointments are not governed by any constitutional scheme, such discrimination will amount to vicious discretion. The Government of Public Sector unit will go on resorting to the method of pick and choose policy and give temporary and ad hoc appointments to their favorites and thus the principles of equality enshrined in the constitution will be given a go bye. Such is not the intent of the Hon'ble Apex Court. However, in this judgment the provisions of the ID Act governing the services of the workman have not been declared unconstitutional. Reinstatement is the remedy provided in the ID Act for breach of several

provisions enumerated therein or for breach of service rules provided in various labour welfare legislations.

The Hon'ble Apex Court in 2006 (4) Scale has not annulled Section 11A of the ID Act and the legislature has authorized this Tribunal to set aside dismissal or discharge on its consideration and direct reinstatement. The judgment cited by the management is not applicable in the facts and circumstances of the case.

A three Judges bench of the Hon'ble Apex Court has held in 1993-II-LLJ that termination of services affects the livelihood of not only of the employee but also of the dependents. So in case of illegal termination of service the workman should be reinstated.

Reinstatement should not be misconceived as regularization. By the order of reinstatement the status quo ante of the workman is restored. He is given back wages in order to compensate him for his illegal disengagement. This is a special remedy provided in ID Act and it has not been annulled and set aside by any judgment of the Hon'ble Apex Court. The provisions of the ID Act are still constitutional and they are to be given effect too.

The workman has stated in his cross-examination that the management has detained the junior employees Shri Birender Singh in Azadpur Branch and Bisan Singh in Punjabi Bagh Branch after 1993. The management has not produced any document to deny the fact that Shri Birender Singh in Azadpur Branch and Bisan Singh in Punjabi Bagh Branch after 1993 were not engaged. So the management has infringed the provisions of Section 25G and H also and the management has resorted to going on engaging badlis and casuals against the provisions of the ID Act, 1947.

In case the workman is reinstated with back wages the respondents have every right, after payment of back wages and reinstatement, to retrench him validly following the principles of first come last go so that Section 25G and H of the ID Act are not violated.

In view of the law cited above and the facts pertaining in this case, the workman is entitled to reinstatement.

This issue is decided accordingly.

Issue No. 3

It was submitted by the management that payment of full back wages is not the natural consequence of the order of discharge or dismissal being set aside. It has been held in (2003) 6 SCC 141 that it is incumbent upon the labur court to decide the quantum of back wages.

It has been further held in this case that payment of back wages having discretionary element involved it is to be dealt with the facts and circumstances of the case. No definite formula can be evolved.

It has been further held in this case that payment of back wages in its entirety is the statutory sanction. In (2003) 4 SCC 27 the Hon'ble Apex Court held that in view of delay in raising the dispute and initiating the proceedings back wages need not be allowed. In the instant case there is no delay at least on the part of the workman in raising the dispute.

In 1978 Lab IC 1968—three Judges Bench of the Hon'ble Apex Court held that payment of full back wages is the normal rule. In case services have been illegally terminated either by dismissal or discharge or retrenchment, in such circumstances the workman is entitled to full back wages except to the extent he was gainfully employed during the enforced idleness. In the instant case the workman was always ready to work but he was not permitted on account of invalid act of the employer.

In 2005 IV AD SC 39–three Judges Bench of the Hon'ble Apex Court held that reinstatement with full back wages is justified. In this case the workman has performed more than 240 days work and he has been retrenched without payment of compensation and pay in lieu of notice.

The workman is a manual worker. He must be doing some sort of work off and on. He is not employed in any establishment. He must have been doing some sort of work for his survival and his family members. In the facts and circumstances of the case the workman is entitled to get 25% back wages.

The reference is replied thus :—

The action of the management of State Bank of India in terminating the services of Shri Ranbir Singh, Messenger-cum-Water Boy w.e.f. 8-3-1997 is neither just nor fair nor legal. The management should reinstate the workman w.e.f. 8-3-1997 along with 25% back wages within two months from the date of tne publication of the award.

The award is given accordingly.

Date : 6-5-2008 R. N. RAI, Presiding Officer

नई दिल्ली, 15 मई, 2008

का. आ. 1327.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन.एफ. रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, गुवाहाटी के पंचाट (संदर्भ संख्या 15/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-5-2008 को प्राप्त हुआ था।

[सं. एल-41012/155/2005-आई आर (बी-I)]

एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 15th May, 2008

S.O. 1327.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 15/2006) of the Central Government Industrial Tribunal-cum-Labour Court Guwahati as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of N.F. Railway and their workmen, which was received by the Central Government on 15-5-2008.

[No. L-41012/155/2005-IR (B-I)]
N.S. BORA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI, ASSAM

PRESENT :

Shri H.A. Hazarika, LL.B., Presiding Officer, CGIT-Cum-Labour Court, Guwahati

Ref. Case No. 15 of 2006

In the matter of an Industrial Dispute between :

The Management of N.F. Railway, Lumding Division

Versus

Their Workmen Sri J.N. Kanwar and 2 others

APPEARANCES

For the Workman : None appeared for the Workmen

For the Management : Mr. S.N. Choudhury, Rly. Advocate

Date of Award : 18-1-08

AWARD

The Government of India, Ministry of labour, New Delhi, vide its order No. L-41012/155/2005-IR (B-I) dt. 28-06-2006 referred this Industrial Dispute arose between the employers in relation to the Management of N.F. Railway, Lumding Division and their Workmen, Sri Jitendra Nath Kanwar and 2 others to adjudicate and to pass an award on the strength of powers conferred by Clause(d) of Sub-Section (1) and Sub-Section (2A) of Section 10 of the Industrial Dispute Act, 1947 (14 of 1947) on the basis of the following Schedule :

SCHEDULE

"Whether the action of the management of N.F. Railway by not granting the relief to Sri Jitendra Nath Kanwar, Ex. DAD, Shri Osman Gani, Ex. Gateman and Sri Kitish Ch. Mazumdar, Ex P/Man (A) Medically Decategorised staff of Lumding Division is justified ? If not, to what relief they are entitled to ?"

2. The case of the Workmen briefly from the documents available in the record is that the Workmen (1) Sri Jitendra Nath Kanwar Ex. Diesel Assistant Driver, (2) Sri Osman Gani, Ex. Gateman and (3) Sri Kitish Ch. Mazumdar, Ex. Point man were medically decategorised staff of Lumding Division. That they were without justification decategorised by the management.

3. The notices served to the General Secretary, Purvottar Simant Railway Karamchari Sangh but the Union/Workman did not appear and submit the Written Statement required under the law. Several adjournments were passed and when the Union did not turn up the Management filed W.S. and after giving number of adjournments the matter is heard ex parte.

4. The case of the Management in brief from their W.S. that the Workmen (1) Sri Jitendra Nath Kanwar, (2) Sri Oaman Gani and (3) Sri Kitish Ch. Mazumdar were respectively working as diesel Assistant Driver, Gate man and Points man under the N.F. Railway, Lumding Division. All of them were found medically unfit by the Authority of Railway Committee. As they were unfit, proposal was made for their alternative appointment. All of them willingly accepted the alternative appointment offered by the management. That no injustice was done to any of the workman referred in this matter.

5. When the Union remains absent and when matter became inordinate delay, after giving sufficient scopes to the Union the evidence of the Management recorded. The Management examined Sri Subash Ranjan Nandi, Divisional Personnel Officer, N.F. Railway, Maligaon. He has deposed that he knows the workmen who were working under Lumding Division. Among the three workmen., Jitendra Nath Kanwar, was Diesel Assistant Driver and when he was found medically unfit in his existing medical category he was medically decategorised and found fit in medical category in C1 and C2 with glass (spectacles). Of course, he did not join the alternative post. He was allowed to draw the original pay Rs. 4590 in scale Rs. 3050-4590 till his death on 4-7-01 and accordingly his pension was also finalized.

6. Similarly, Osman Gani was medically decategorised on 13-12-99 and given an alternative post of Store Watchman in Scale Rs. 2610-3540 at SE (P Way), Harengajaw as per his willingness. Accordingly Osman Gani joined in the alternative post of Store Watchman on 26-12-03 without raising any objection and his claim is not justified.

7. In case of Kitish Chandra Mazumder, while working as Point Man was declared medically unfit and

he was offered the alternative post of Commercial Courier which he joined on 22-8-2000 without any objection. He worked so till his retirement on 30-11-04. That claim of any of the workman is not bona fide and they claimed after leaving their jobs and their claim is after-thought. That the decategorised was made by the competent authority of the N.F. Railway.

8. I have gone through the relevant documents including the evidence deposed by the management witness Sri Subhas Ranjan Nandi, who is a Divisional Personnel Officer, N.F. Railway, Maligaon. The witness is a very responsible person. I have found that the health of the workman working in a certain categories must be befitting as they are to discharge healthy work with healthy health to avoid any dangers during the course of Railway function. It is the predominant Rule of the Railway Administration of Management to see the safety and security of the users of Railway and to avoid accident. Hence, decategorisation in the present instant is not illegal and unjustified. What I find that they were medically unfit, they were medically decategorised but they were not dismissed or deprived from the service. They were given alternative post, almost same categories. Therefore, in my opinion the Management has not made any injustice to the workman concerned. I find there is no legal force of the claim of the Workmen. Accordingly their claim is dismissed.

9. The award is passed in favour of the Railway Management that no injustice is done by them to the three concerned Workmen.

10. Prepare the award and send it to the authority concerned confidentially and immediately as per procedure.

H.A. HAZARIKA, Presiding Officer

नई दिल्ली, 15 मई, 2008

का. आ. 1328.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-2, नई दिल्ली के पंचाट (संदर्भ संख्या 60/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-5-2008 को प्राप्त हुआ था।

[सं. एल-12012/16/1996-आई आर (बी-I)]
एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 15th May, 2008

S.O. 1328.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 60/2000) of the Central Government Industrial Tribunal-cum-Labour Court-II, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of State Bank of India, and their workmen, which was received by the Central Government on 15-5-2008.

[No. L-12012/16/1996-IR (B-I)]
N. S. BORA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

I.D. No. 60/2000

R.N. Rai, Presiding Officer

IN THE MATTER OF :

Shri Suresh Chander,
C/o The Chief General Secretary,
All India State Bank Backward,
Classes Staff Union,
D-1A/91, Janak Puri,
New Delhi

Versus

The Asstt. General Manager,
State Bank of India, Zonal Office,
Region-II, 11, Parliament Street,
New Delhi

AWARD

The Ministry of Labour by its letter No. L-12012/16/96-IR (B-I) dated 25-5-2000/30-5-2000 has referred the following point for adjudication.

The point runs as hereunder :

"Whether the action of Assistant General Manager, R-II, Zonal Office, SBI, New Delhi-I, not granting full pay and also not regularizing the services of Shri Suresh Chander, Part time sweeper is just and fair ? If not, then what relief the workman is entitled to and from what date ?"

The workman applicant has filed claim statement. In the claim statement it has been stated that the above named workman is working as sweeper at SBI, Old Secretariat Branch, Delhi and is only the member of All India State Bank Backward Classes Staff Union (Registered under Trade Unions Act, 1926).

That the Assistant General Manager, Regional-II (Now R. VI) is the appointing Authority for the post of sweepers and Controller of SBI, Old Sectt. Branch.

That the above named workman was appointed in the bank service on 26-9-1977 and posted at SBI, Old Sectt. Branch, Delhi. Since then he is working at SBI, Old Sectt., Delhi.

That the Bank is exploiting his labour by not paying him the salary for which he is entitled. The area of the Bank premises is 5208 sq.ft. As per the Bank's policy if the area is 5000 Sq. ft. and above, the workman is entitled for full salary of subordinate cadre. From 1977 to 19-4-1981, he was paid lumpsum Rs. 2 per day. From 20-4-1981 to 31-12-84 he was paid 1/3 of the pay. From 1-1-85 to 30-6-89 he was paid ½ pay and from 1-7-1989 till date he is being paid ¾ pay. The Branch Manager SBI, Old Sectt., Delhi recommended vide their letter No. SC 23/17 dated 22-4-1994 and S.L. 23/95 dated 17-6-1994 to the AGM-Region II, Zonal Office New Delhi for appointing Shri Suresh Chander on full pay on the ground of 5208 sq. ft. area cleaned by Shri Suresh Chander, but no action so far.

That the Branch Manager, SBI, Old Secretariat Branch made tempering in the attendance register of Shri Suresh Chander altering his attendance of leaving the Branch from 2.00 P.M. to 12.00 Noon. Shri Suresh Chander was asked to attend the office six hours per day from 1-7-1989 as his pay was increased from ½ to ¾ before 1-7-1989 he was marking the attendance of 4 hrs. per day.

The Branch Manager ordered Shri Suresh Chander on 15-6-1988 addressed to the Manager, SBI, Old Sectt., Delhi, marked as Annexure P-1 and further representation dated 25-8-1998 to AGM R-II requesting for his appointment on full pay marked as Annexure P-2 but no action so far.

That the Bank Management is doing unfair labour practice and acting arbitrarily in this matter and exploiting the labour of Shri Suresh Chander since 1977.

That Shri Suresh Chander is entitled for full wages since 1977 as he has been cleaning the 5208 sq. ft. area of the Branch. He must at least be paid the full wages since April, 1994 when the Branch Manager recommended for his appointment on full wages on the ground that he is cleaning the 5208 sq. ft. area and entitled for the full wages.

That the Industrial dispute was raised before the ALC (Central) Ministry of Labour, Govt. of India, New Delhi on 8-10-1998 by the workman. The Bank Management did not agree for settlement of the dispute, hence the conciliation proceedings ended in failure on 24-8-1999. The photocopy of ALC report dated 11-1-2000 is enclosed and marked Annexure P-3.

That the following records/papers are in the custody of the Bank which establish the valid claim of the workman.

(i) Letter No. SL/23/95 dated 17-6-1994 of Branch Manager, SBI, Old Sectt. Branch, Delhi.

(ii) The attendance registers having the attendance of Shri Suresh Chander Since his appointment till date.

(iii) Office order dated 6-7-1998 of Branch Manager, SBI, Old Sectt. Branch, Delhi.

The Management has filed written statement. In the written statement it has been stated that the claim is highly belated and stale. The claimant is guilty of delay and laches. Such inordinate claim is liable to be dismissed being not maintainable, as the alleged dispute was revised 1998. The claimant is seeking reliefs from 1977 which is highly belated and even otherwise he is not entitled to. On the sole ground of delay and laches the claim is liable to be dismissed.

That the claim is liable to be dismissed on the ground that there is no proper and valid espousal, as the alleged industrial dispute has not been espoused by substantial number of workmen of the bank. the all India State Bank backward classes staff union is not recognized by State bank of India (SBI) and it is microscopic union and not having substantial number of members. Therefore the reference is bad and invalid having not been espoused by substantial number of workmen. Moreover All India State Bank Backward Classes Staff Union cannot be said to be a representative body of the employees of SBI. The claim is therefore not maintainable as there is no proper and valid espousal.

That the reference is liable to be dismissed in view of the fact that as per para 2 reference Book on Staff matters Vol I Part II of Chapter 25 the claimant is entitled to only three fourth scale of wages as he was engaged to clean the area which is less than 5000 sq. ft. The Civil Engineer posted at the Zonal Office, SBI, New Delhi submitted his report which authenticates that the area to be cleaned at of Secretariat Branch, SBI, Delhi is less than 5000 sq. ft. The scale of wages fixed is on the basis of area sweepable. It is a part-time work.

It is stated that Shri Suresh has been working as part-time sweeper from 11-10-1977 and is being paid three fourth of scale of wages at SBI Old Sectt. Branch, Delhi for sweeping less 5000 sq. feet. The actual carpet area of the premises in question is 3562 sq. feet. Therefore the claim is merit less and unjustified. The membership of Shri Suresh with All India State Bank Backward Classes Staff Union is denied for want of Knowledge. However it is submitted that the All India SBI Backward Class Staff Union is not recognised by SBI as it has a microscopic membership. In any event the espousal is not proper and valid, as the reference was not espoused by substantial number of workmen.

The claimant was engaged as temporary part-time sweeper w.e.f. 11-10-77 for Rs. 100 per month. It is correct that he is working at Old Sectt. Branch, Delhi of the bank.

The claimant is being paid the wages admissible to him as per para 2 of Reference Book on Staff Matters Vol. I Part II of Chapter 25. The Civil Engineer of the Bank has certified that the carpet area of the premises in question is 3562 sq. ft. The sweepable area is hence less than 5000 sq. ft. and therefore the claimant is entitled to only three-fourth scale wages. The rest of the allegation are wrong and denied. The claim itself is belated and stale and hence not maintainable. It is not admitted that the Branch Manager certified the area as 5208 sq. feet. The claimant is not entitled to full scale, as alleged. The area cleaned by the claimant is not 5208 sq. feet.

The claimant was supposed to mark his attendance for the hours he was present in the branch for cleaning. However, the claimant tampered with the attendance register with regard to hours. Hence the manager of the Branch corrected the attendance register. The management reserves its right to initiate disciplinary proceedings against the claimant for tampering with the attendance registers. It is wrong and denied that the claimant was asked to attend the office six hours daily from 1-7-1989, as alleged. It is wrong and denied that the claimant was working for four hours daily, as alleged. The wages have been fixed on the basis of area to be cleaned and accordingly the claimant is to be paid. The allegation that the Branch Manager ordered the claimant on 15-6-98, as alleged for payment of full wages and working hours are wrong and denied.

The claimant is entitled to only three forth of wages for cleaning/sweeping the area of 3562 sq. ft. The raising of Industrial dispute is a matter of record. The alleged claim is hopelessly belated and stale and on the ground of delay and laches itself the claim is liable to be dismissed being not maintainable. As regards the documents mentioned it is submitted that the claimant has to prove his case and cannot be permitted to do rowing and fishing enquiry. The document are not relevant to the issue. Existence of the documents except the attendance register is admitted.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

The substantial question to be decided in this case is whether sweeping area of Old Secretriate Branch was 3562 sq. ft. or 5208 sq. ft. In case the sweeping area is 5208 sq. ft. the workman is entitled to full wages in view of the circular of the bank annexed with the record. After sweeping 5008 sq. ft. area the workman is entitled to get full wages.

The management witness has admitted in his cross-examination as under :

> "I do not know if letter marked A was issued by the Branch Manager of Old Secretariat Branch. Similar is my reply with regard to letter dated 17-6-1994 marked B ..... I do not know whether the workman has been cleaning the area of 5200 sq. ft. including the additional area of 1000 sq. ft. occupied by the bank."

The management witness has admitted that he does not know if letter dated 17-6-1994 was issued by the Branch Manager. The workman has attached with the record photocopy letter dated 17-6-1994. In this letter it has been mentioned that the area swept by the workman is 5200 sq. ft. and it has been also mentioned that the workman should be made payment of full wages as he was utilized as sweeper-cum-farash.

The management witness has not denied this letter. This document has not been denied by the management though it is photocopy. This letter is sent by the Branch Manager to AGM. MW1 should have either denied this letter or admitted this letter. There is no endorsement or denial of this letter. It is photocopy document no doubt it has been signed by the Branch Manager.

The workman has been regularized as full wager since 2002. This letter alone establishes that the workman has been sweeping an area of over 5000 sq. ft., so he is entitled to full wages at least from 17-6-1994 when the Branch Manager wrote to the AGM for making full payment.

The workman has been regularized and payment of full wages have been made to him from 2002. This also indicates that he was sweeping an area above 5000 sq. ft. The original letter of 17-6-1994 cannot be said to be in possession of the workman, so this letter is admissible in evidence.

The Branch Manager has written letter dated 22-4-1994. It is marked "A". In this letter also the Branch Manager has requested that the workman's wages should be increased. This letter is on letter head. This document has also not been denied by the management.

The workman has atleast been sweeping an area above 5000 sq. ft. since 17.6-1994. The Branch Manager has written twice on 22-4-1994 and 17-6-1994 for making full payment to the workman but the management has not done so.

It was submitted from the side of the management that the espousal is not proper. The union raising the case is not a recognized union of the bank and it has no sufficient number of employees as its members.

It is not necessary that the dispute should be raised by a union recognized by the bank. The union which has

raised this dispute is a registered union and sufficient numbers of employees are its members. There appears to be no force in the contention of the management.

Mark "B" is letter dated 17-6-1994. In this letter also the area swept by the workman has been shown as 5208 sq. ft. The management witness has not denied the authenticity of these letters. These letters are photocopy documents but these are the documents of the management and these letters cannot be in possession of the workman. No endorsement of denial has been put on these letters as such the workman has been sweeping an area over 5000 sq. ft. and he is entitled to full wages from 17-6-1994.

The management has filed photocopy document MW1/2 in which the area has been shown as 3562 sq. ft. but the sketch plan has not been attached with it. So this document is not reliable. The workman is entitled to get full wages from 17-6-1994.

The law cited by the management is not applicable in the facts circumstances of the present case.

The reference is replied thus :

The action of Assistant General Manager, R-II, Zonal Office, SBI, New Delhi-I, not granting full pay to Shri Suresh Chander, Part-time sweeper is neither just nor fair. The workman has already been regularized. The workman is entitled to full wages from 17-6-1994 till the date of his regularizaton in the year 2002. The management should make payment of full wages to the workman from 17-6-1994 within two months from the date of the publication of the award.

The award is given accordingly.

Date : 2-5-2008 R.N. RAI, Presiding Officer

नई दिल्ली, 15 मई, 2008

का. आ. 1329.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिटी बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली, नं.-II, के पंचाट (संदर्भ संख्या 33/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-5-2008 को प्राप्त हुआ था।

[संख्या एल-12012/74/1994-आई आर (बी-I)]
एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 15th May, 2008

S.O. 1329.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 33/1995) of the Central Government Industrial Tribunal-cum-Labour Court-II, New Delhi as shown in the Annexure, in the Industrial Dispute between the management of Citi Bank, and their workmen, which was received by the Central Government on 15-5-2008.

[No. L-12012/74/1994-IR (B-I)]
N. S. BORA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

PRESENT :

R. N. Rai, Presiding Officer

I.D. No. 33/1995

IN THE MATTER OF :

Sh. Chander Singh Bist & Ors;
S/o. Sh. More Singh,
R/o. 17/16, Trilok Puri,
Delhi-110 091. ... Claimant

VERSUS

The Vice-President,
Citi Bank,
Jeevan Vihar Building,
Sansad Marg,
New Delhi-110 001. ... Respondents

AWARD

The Ministry of Labour by its letter No. L-12012/74/94-IR(B-I) Central Government Dt. 21-2-1995 has referred the following point for adjudication :

The point runs as hereunder :—

"Whether Sh. Chander Singh Bist, Sh. Him Lal, Sh. Dinesh Kumar, Sh. Joginder, Sh. Munna Lal, Sh. Sher Ali and Sh. Vimal Kumar employees of the Citi Bank ? If so whether the management was justified in terminating their services w.e.f. March, 1993 in violation of Section 25 (F) of the ID Act, 1947. If not, what relief the concerned workmen are entitled to ?"

The case of the workmen is that they were appointed in the year 1987 as Canteen Boys in Citi Bank by contractor Sh. K. Sindhu.

That in September, 1998, the contractor was removed from that bank and the workmen were working directly with the management and they were performing their duties from 9.00 AM to 6.00 PM as Canteen workers to the full satisfaction of the management.

That in the beginning the workmen were getting Rs. 500 per month but after passing some months the management started giving salary Rs. 1200 per month

but the management did not provide any DA etc. to the workmen.

That on 1-4-1993 the management started giving cash to their employees in place of snacks, tea, coffee etc. but the workmen were working continuously for the management.

That the management terminated the services of these workmen illegally in April, 1993. The workmen are entitled to equal pay for equal work Rs. 41204 and they should be reinstated to the original job.

The case of the management is that the workman No. 2. Sh. Sher Ali one of the workmen was a Catering Contractor and was running catering service in the name and style of Sher Ali Catering Contractors. The said contractor was engaged by the Citi Bank Club, New Delhi which is a club formed by the employees of the Citi Bank. The members of the club are elected for a period of one year, they manage the activities of the club. Sher Ali was providing coffee, tea etc. to the members of the bank under the agreement between Sher Ali and that bank club for providing such services. Sh. Sher Ali has employed his own workmen.

That the services of providing snacks, tea etc. was stopped in the year 1983 and the arrangement between Sher Ali and Citi Bank was stopped and an amount of Rs. 4,90,000 was paid to Sher Ali, the contractor in full and final settlement of his claim which also included the claim of all his employees. The said amount was paid as one time settlement which included statement of all the dues of Sher Ali's employees. A tripartite agreement was also entered into between Sher Ali, the contractor and Citi Bank Club and each individual employee of Sher Ali. As per the said settlement it was specifically agreed that each of the individual admitted that they were employees of Sher Ali exclusively and there was no relationship of employer and employee between the employer and the employee.

The workmen applicants have filed rejoinder. In the rejoinder they have reiterated the averments of their claim statement and have denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workmen that they were directly engaged by the management and they worked continuously and payment to them was made by the management.

It was submitted from the side of the management that Sher Ali was the contractor and he undertook the work of contract of supplying tea, coffee, snacks etc. to the members of the Citi Bank Club. The Citi Bank Club is the club of the employees of the bank. It is not a statutory canteen. The members of the club made payment to the workmen and the contractor.

The management has filed memorandum of settlement. The management has entered into settlement jointly as well as separately and Sh. Chander Singh Bist, Sh. Him Lal, Sh. Dinesh Kumar, Sh. Joginder, Sh. Munna Lal, Sh. Sher Ali and Sh. Vimal Kumar have put their signatures on it. Sh. Chander Singh has put his signature on this agreement. Sh. Him Lal has also entered into settlement and he has also put his signature. These settlements are document no. 97 to 125. The workmen have denied these documents but these documents bear the signature of the workmen. The workman Sh. Chander Singh has filed affidavit. He has admitted in his cross-examination that the members of Citi Bank Club used to give instructions for the work to them. The members of the Club were changed every year who used to give instructions. He has admitted that he knew Sher Ali. This workman has also admitted that Ex. MW1/1 bears his signature. In all the settlements the workmen have admitted that they were the employees of Sher Ali, the contractor. The workmen have not filed any document to show that payament to them was made by the management. They have not filed any vouchers, any attendance register or any other documents regarding the payment and their engagement. They have filed documents regarding purchase of certain articles, it appears that the contractor purchased the articles to run the canteen.

The workmen have filed copy of account of Citi Bank. This document shows that they have been given one time advance.

The workmen have not filed any document regarding direct payment made to them for their work. They have stated in their claim that they worked in the canteen. The canteen is not a statutory canteen of the management. It is run by the club members. The workmen have admitted that they worked under the directions of the club, so the workmen were not directly engaged by the management. They were engaged by Citi Bank Club which has been created for running the canteen. The workmen have admitted that they worked under the direction of the Citi Bank club and they worked in the canteen. They cannot be said to be peon or casual labour of the Citi Bank. They worked in the canteen. They have got all their matters settled and received due amount by way of compensation. The witness Sh. Chander Singh has admitted his signature in the tripartite settlement. No other workman except Sh. Chander Singh has filed affidavit. The workmen were the contractor's men and they have compromised their case. They are not entitled to get any relief.

The reference is replied thus :—

Sh. Chander Singh Bist, Sh. Him Lal, Sh. Dinesh Kumar, Sh. Joginder, Sh. Munna Lal, Sh. Sher Ali and Sh. Vimal Kumar are not the employees of the Citi Bank. There is no question of termination of the services of the workmen by the Citi Bank. The workmen applicants are not entitled to get any relief as prayed for.

The award is given accordingly.

Dated : 8-5-2008 R. N. RAI, Presiding Officer

नई दिल्ली, 15 मई, 2008

का. आ. 1330.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, पुणे के पंचाट (संदर्भ संख्या 56/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-5-2008 को प्राप्त हुआ था।

[संख्या एल-12012/86/2004-आई आर (बी-I)]
एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 15th May, 2008

S.O. 1330.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 56/2004) of the Industrial Tribunal-cum-Labour Court, Pune as shown in the Annexure, in the Industrial Dispute between the management of State Bank of India, and their workmen, which was received by the Central Government on 15-5-2008.

[No. L-12012/86/2004-IR (B-I)]
N. S. BORA, Desk Officer

ANNEXURE

BEFORE SHRI S. M. KOLHE, INDUSTRIAL TRIBUNAL, PUNE

Reference (IT) No. 56 of 2004

BETWEEN

The Assistant General Manager,
State Bank of India,
East Street, Gulmohar,
Pune-411 011 ... First Party

AND

The General Secretary,
SBI Staff Union,
C/o U.P. Naik,
68/66 Harkoovarbai Building,
Pandit Bakhale Path,
Thakurdwar Road,
Mumbai-400 002 ... Second party

In the matter of :

General Demand for declaration that the order of dismissal is illegal and unjust and for relief of reinstatement with continuity of service and full back wages in respect of Shri Vijay P. Walhekar.

Appearances :

Shri D. V. Kulkarni, Advocate for First Party

Shri R. P. Shaligram, Advocate for Second Party

AWARD

DATE : 28-4-2008

1. Industrial dispute referred for adjudication pertains to declaring the order of dismissal as illegal and unjust and relief of reinstatement with continuity of service and full back wages is sought.

2. In brief, the facts are as under.

Shri Vijay P. Walhekar was working as Messenger with first party bank since the year 1978, till his dismissal from the services as per order dt. 1-11-2000. In the month of March 2000, charge-sheet was issued against Mr. Walhekar on the allegation of misconduct of absenteeism. Enquiry was conducted. Enquiry Officer wrongly and illegally held Mr. Walhekar as guilty for misconduct of absence on duty. On the basis of false and incorrect report, services of Mr. Walhekar were terminated. Principle of natural justice was not observed in an enquiry. Punishment of dismissal was disproportionate. So, Mr. Walhekar has sought declaration that his dismissal was illegal. Relief of reinstatement with continuity of service and full back wages is sought by the second party employee.

3. According to first party, past service record of Mr. Walhekar was not good. Mr. Walhekar was in habit of remaining absent on duty without obtaining prior permission and without getting the leave sanctioned. Penalties were imposed on Mr. Walhekar from time to time on account of his habit of remaining absent on duty without permission. Inspite of giving sufficient opportunity, Mr. Walhekar could not improve himself and continue to remain absent on duty without obtaining the prior permission of the bank. Due to misconduct of absenteeism of Mr. Walhekar, first party suffered hardship and inconvenience. Charge-sheet was issued to Mr. Walhekar and enquiry was conducted by observing principle of natural justice and misconduct was duly proved in an enquiry and services of Mr. Walhekar were legally and properly terminated after following due process of law. According to the bank, punishment of dismissal is the proper and reasonable punishment to Mr. Walhekar, in view of his serious misconduct of absenteeism and bad past record.

4. The following issues are framed at Exh. O-7.

ISSUES :

1. Whether the enquiry is just, proper and fair ?
2. Whether the charges of misconduct levelled against workman are proved ?
3. Whether the dismissal of the second party is legal and just ?
4. Whether the second party is entitled for reinstatement with continuity of service and full back wages ?
5. What award ?

5. My findings on the above issues for the reasons stated below, are as under :

FINDINGS :

1. Does not survive for determination.
2. Negative.
3. Negative.
4. Partly affirmative.
5. As per final award.

REASONS

ISSUE NO. 1 :

6. Whether the enquiry is just, proper and fair, is treated as preliminary issue. After considering evidence as well as after hearing both the sides, this Tribunal has held that the enquiry is not just, proper and fair. This finding on preliminary issue has become final. So, I answer Issue No. 1 accordingly.

ISSUE NOS. 2 TO 5 :

7. At the outset, I would like to point out that the main allegation of misconduct as levelled against Mr. Walhekar, is on the point of absenteeism. After issuing charge-sheet, enquiry was conducted. On the basis of enquiry report, services of Mr. Walhekar were terminated on the ground that the misconduct alleged against him, was duly proved in an enquiry. This Tribunal has held that enquiry is not just, fair and proper. Thus, enquiry is vitiated. In such circumstances, let's see whether the misconduct alleged against Mr. Walhekar, is duly proved on the basis of oral and documentary evidence adduced by the bank before this Tribunal.

8. On behalf of Bank, CW-1 Vasant Mahajan and CW-2 Ramesh Padhye have adduced oral evidence. Burden heavily lies on the bank to substantiate and prove the allegation of misconduct of absenteeism against Mr. Walhekar. It is mainly alleged that Mr. Walhekar was in habit of remaining absent on duty without prior permission and without getting the leave sanctioned. The main period of absenteeism in respect of Mr. Walhekar as contended in charge-sheet, is between March 99 to December 99. If we carefully peruse the oral evidence of both witnesses of the bank, it is revealed that they have relied upon the charge-sheet issued against Mr. Walhekar. In-fact, cross-examination of both bank witnesses clearly show that the charge-sheet was vague as far as particulars of period of absence of Mr. Walhekar is concerned. It has come in the cross-examination of both witnesses that the exact dates of absence as per each and every month were not given. Thus, it was not possible to find out exactly, on which dates, Mr. Walhekar was absent on duty as alleged in the charge-sheet. Thus, allegation of absenteeism as mentioned in the charge-sheet, is vague and not sufficient to give exact idea in respect of correct period of absence of Mr. Walhekar on duty. Apart from that, both witnesses have not denied that the alleged period of absence on duty is not continuous. It is a matter of record that the period of absence of Mr. Walhekar on duty was ranging from one or two days to two to five days at a time. So, there is no charge against Mr. Walhekar that he was continuously absent from duty for a long period. Both witnesses of the bank have deposed on the basis of record to state that Mr. Walhekar used to remain absent on duty without obtaining permission and without getting the leave sanctioned. If we carefully perused the documentary evidence adduced by the bank, it is revealed that the attendance register, covering period of absence from March 99 to December 99, is not produced on record. There is no justifiable reason as to why this important and substantial piece of evidence to prove the absence of Shri Walhekar for the period from March 99 to December 99, is not produced. In fact, attendance registers covering period of absence from March 99 to December 99 was vital piece of evidence which is withheld by the bank without any just and proper reason. Thus, it can be easily said that charges of misconduct on the ground of absenteeism as levelled against Mr. Walhekar are vague and not substantiated by authentic and important piece of documentary evidence, such as attendance register and moreover, the alleged period of absence is not fully and particularly described by mentioning the dates of absence is charge-sheet and the alleged absence was not continuous for long period. Thus, first party bank has failed to substantiate and prove the misconduct of absenteeism against Mr. Walhekar as per the charge-sheet. I would like to point out that some documents produced by first party bank, pertain to the period of service which is not covered by the charge-sheet issued against Mr. Walhekar. In fact, those documents throw light on the fact that Mr. Walhekar was warned and minor punishments were imposed on him from time to time on account of his misconduct of absenteeism. It is pertinent to note that Mr. Walhekar was in service of the bank for more than 20 years. It is also the matter of record that his absence on leave was

treated as leave without pay on some occasions. At the most, it can be gathered from the said documents that some minor penalties were imposed on Mr. Walhekar on account of his alleged misconduct of absenteeism from time to time. Once the misconduct of absenteeism as alleged in the charge-sheet, is not substantiated and proved, past service record of Mr. Walhekar though not very much sound, cannot be taken into consideration for giving punishment to Mr. Walhekar. Such past record of Mr. Walhekar would have been useful, if at all the charges levelled against him in the charge-sheet, would have been proved on the strength of evidence adduced before the Tribunal on the part of the bank. I reiterate that charge of absenteeism must be specific, so as to include the exact dates of absence on duty. Moreover, record maintained by the bank pertaining to such absenteeism including attendance register and leave record ought to have been produced to substantiate and prove the misconduct of Mr. Walhekar. Unfortunately, the first party bank has failed to adduce authentic and sound evidence to substantiate the misconduct of absenteeism against Mr. Walhekar. Thus, first party bank failed to shift burden of proving misconduct against Mr. Walhekar, by adducing cogent and trustworthy evidence. Though Mr. Walhekar has admitted in his evidence that he was absent for some period in the year 1997 and in the year 1998, he has stated that such absence was not continuous and was not unauthorised and he had given explanation in writing to the bank for such absence. In fact, it was necessary on the part of first party bank to produce entire leave record of Mr. Walhekar including his leave applications, if any and explanations submitted by him, if any to the bank.

9. (2008) 3 Supreme Court Cases 446, 2008-LLR-113, 2006 (110) FLR 80, 2005-I-CLR 803, 2005-LLR 432 are some case laws cited on behalf of first-party bank. Ratios laid down in said case laws are in respect of point of misconduct of absenteeism. All ratios clearly show that long time absence is not minor misconduct and unauthorised absenteeism cannot be taken lightly and punishment of dismissal is proper for such misconduct of unauthorised absenteeism. Guidelines laid down in the said case laws are not helpful to the first party bank since the misconduct of absenteeism as alleged against Mr. Walhekar, is not substantiated and duly proved on the strength of authentic and reliable evidence.

10. It appears that charge of willful insubordination or disobedience of any lawful order of superior as per para 521(4)(e) and doing any act prejudicial to the interest of the bank, which is likely to involve serious loss of the bank as per para 521(4)(j) of Shastry Award, were also levelled against Mr. Walhekar. However, there is absolutely no evidence adduced on the part of first party bank to sbstantiate the said allegations. As far as misconduct of absenteeism is concerned, I have already discussed in detail and held that first party bank failed to substantiate and prove the said allegations against Mr. Walhekar.

11. Assuming for the sake of argument that misconduct of absenteeism is duly proved against Mr. Walheker, it cannot be sufficient to impose punishment of dismissal against him. Absenteeism must be duly proved to be unauthorised. Moreover, denial of back wages in such cases of termination of services on the point of absenteeism, is equitable and adequate remedy since the relief of reinstatement with continuity of service can be granted.

12. Some case laws are referred by Mr. Walhekar. 1991-I-CLR 1014, 1996-I-CLR-1079, 2001(91) FLR 613, 1998-II CLR-790. Ratios laid down in said case laws are on the point that punishment of dismissal is harsh and not proper, particularly on the allegation of misconduct of absence and moreover Section IIA of I.D. Act, 1947 gives jurisdiction to the Tribunal to modify such punishment. It is also observed in said case laws that denial of back wages amounts to punishment when reinstatement with continuity of service is granted by setting aside order of termination on the ground of misconduct of absenteeism.

13. In view of the above discussion, I am of the opinion that charges of misconduct as levelled against Mr. Walhekar, are not duly proved. In such circumstances, order of dismissal of Mr. Walhekar is not just and legal. Mr. Walhekar is going to retire at the age of 60 years. Hardly period of one or two years is left behind to retire. Mr. Walhekar has put in more than 20 years of service in first party bank. In such circumstances, Mr. Walhekar is entitled for reinstatement with continuity of service without any back wages.

14. Considering the nature of the charges of misconduct levelled against Mr. Walhekar as well as his past service record and the fact that his sons are major, I am of the opinion that he is not entitled for back wages for the period from date of his dismissal till his reinstatement. So, I answer the points accordingly.

15. In the result, I partly allow the reference and pass the following award.

AWARD

1. Reference (IT) No. 56 of 2004 is partly allowed as under.

2. First party bank has failed to substantiate and prove charges of misconduct levelled against Mr. Walhekar. Order of dismissal of Mr. Walhekar is not just and legal.

3. Mr. Walhekar is entitled for relief of reinstatement with continuity of service without any back wages.

4. Award be prepared accordingly.

PUNE
Date : 28-4-2008 S. M. KOLHE, Industrial Tribunal

नई दिल्ली, 28 मई, 2008

का. आ. 1331.—कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्द्वारा दिनांक 9 मई, 2008 के भारत के राजपत्र, असाधारण, भाग-II, खण्ड 3(ii) में प्रकाशित दिनांक 9 मई, 2008 की श्रम और रोजगार मंत्रालय, भारत सरकार की अधिसूचना संख्या 1122 (अ) में निम्नलिखित संशोधन करती है :

उक्त अधिसूचना में "धारा 4 के खण्ड (च) के अन्तर्गत केन्द्र सरकार द्वारा नियुक्त" शीर्षक के अन्तर्गत क्रम संख्या 39 के सामने निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी अर्थात् :

श्री विजय कलांतरी,
अध्यक्ष,
ऑल इंडिया एसोसिएशन ऑफ इंडस्ट्रीज,
न्यू एक्सेलसियर बिल्डिंग, 6ठी मंजिल,
ए. के. नायक मार्ग,
फोर्ट, मुंबई-400 001

[संख्या यू-16012/3/2007-एस.एस.-I]
एस. डी. जेवियर, अवर सचिव

New Delhi, the 28th May, 2008

S.O. 1331.—In exercise of the powers conferred by Section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Labour and Employment No. 1122(E) dated the 9th May, 2008 published in the Gazette of India, Extraordinary, Part II, Section 3(ii) dated the 9th May, 2008 :

In the said notification under the heading "appointed by the Central Government under clause (f) of Section 4" against Sl. No. 39, the following entries shall be inserted namely :

Shri Vijay Kalantri,
President,
All India Association of Industries,
New Excelsior Building, 6th Floor,
A. K. Nayak Marg,
Fort, Mumbai-400 001

[No. U-16012/3/2007-SS-I]
S. D. XAVIER, Under Secy.

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